

ST. CHARLES PARISH  
PLANNING BOARD OF COMMISSIONERS  
SEPTEMBER 3, 2015  
7:00 P.M.

**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**

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**TABLED CASES:**

**1 PZR-2015-17**

Requested by: Joshua & Mariangelis Billings for a change in zoning classification from R-1AM to R-1M at 316 Canal Street, Luling, (Lot BY-1), Council District 7. **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council September 21, 2015.**

**13 PZR-2015-18**

Requested by: Houston Energy for a change in zoning classification from R-1A to OL (Open Land) at approx. 3 acres of property in Section T13S R21E, Sec. 43, Luling, LA. Council District 2 **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council September 21, 2015.**

**21 PZSPU-2015-16**

Requested by: Houston Energy for a Special Permit Use for Mineral Extraction to construct a board road and prospect for gas via conventional rig and drill pad at approx. 3 acres of property in Section T13S R21E, Sec. 43, Luling, LA. Proposed Zoning OL (Open Land) Council District 2. **This request requires Planning Commission approval only.**

**30 PZSPU-2015-17**

Requested by: Cecil Sumners for a Special Permit Use for Mineral Extraction and to repurpose borrow pit excavations into lakes. Zoning District OL. Council District 4.  
**APPLICANT REQUESTS TO WITHDRAW.**

**PUBLIC HEARINGS:**

**31 PZHO-2015-10**

Requested by: Lisa Lanata for a home occupation – “United Court Reporters, Inc.” at 227 Ellen St., Ama. Zoning District R-1A. Council District 2. **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council September 21, 2015**

**35 PZSPU-2015-19**

Requested by: John M. Cole for a Special Permit Use for an Accessory Dwelling Unit (ADU) in R-1A at 11202 River Road, St. Rose. Council District 5. **This request requires approval by the Planning Commission and a Supporting Resolution of the Council.**

**40 PZSPU-2015-21**

Requested by: Christal & Don Wetherington for an Accessory Dwelling Unit (ADU), with a waiver to the requirement that ADU shall use the electrical service to the primary structure at 260 Edgewood Ln, Montz. Zoning District R-1A. Council District 6. **This request requires approval by the Planning Commission and a Supporting Resolution of the Council.**

**45 PZR-2015-19**

Requested by: David M. Folse for a change in zoning classification from C-3 to M-1 at 14199 Hwy 90, Boutte. Council District 4. **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council September 21, 2015**

**51 PZO-2015-04**

Requested by: Paul J. Hogan, PE, Councilman District IV for an ordinance to amend The St. Charles Parish Zoning Ordinance of 1981, Section VI., Zoning district criteria and regulations., D., [I]. 1. c. Special Permit Uses in the M-1 Zoning District, by adding “(10) cemeteries upon approval of the Planning Commission and a supporting resolution of the Council.” **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council September 21, 2015**

**OLD BUSINESS**

**NEW BUSINESS –**

**MINUTES – August 6, 2015**

**ADJOURN**

# St. Charles Parish

## Department of Planning & Zoning

### LAND USE REPORT

**CASE NUMBER: PZR-2015-17**

#### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** Joshua Billings  
136 Billings Lane  
Paradis, La 70080  
504.615.6015
- ◆ **Location of Site:** Lot BY-1; 316 Canal Street, Luling
- ◆ **Requested Action:** Rezone from R-1AM to R-1M to establish an RV park

**Application Date: 6/5/15**

#### SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel:** Approximately 4.699 acres.
- ◆ **Existing Land Use and Zoning:** The property currently is zoned R-1A(M) and is developed with a single-family house.
- ◆ **Surrounding Land Uses and Zoning:** To the west, property is zoned R-1A(M) but wooded and vacant; to the south, property is zoned R-1A(M) and developed with two churches. To the southeast, property is zoned R-1A(M) and developed with a mobile home on two-acre lot. Due east, the 573' long line of the lot abuts an R-1M zoning district developed with mobile homes on individual lots.
- ◆ **Future Land Use Recommendations:** The Future Land Use Map (FLUM) includes the property in the Paul Maillard Road mixed-use corridor. The Paul Maillard Road Revitalization Plan recommends the specific use of moderate density residential. A rezone to R-1M would require a FLUM amendment and would be inconsistent with the recommendations of the Paul Maillard Road Revitalization Plan.
- ◆ **Utilities:** Standard utilities are available along Canal Street.
- ◆ **Traffic Access:** Canal Street is less than 1/4 mile from Paul Maillard Road (a state highway) and intersects Paul Fredrick Street (a local street that offers a secondary access to Paul Maillard Road via Hackberry Street). Canal Street is substandard, however, terminating at a drainage canal with no turn around facilities. Should the proposed zoning change be approved, the developer should be required to develop turn-around facilities for vehicles towing RVs.

#### APPLICABLE REGULATIONS

##### Appendix A., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish Council rezones property, there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
  - a. Land use the same as, or similar to that existing on properties next to, or across the street from the site under consideration.
  - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.

- c. Consideration of changes in land value, physical environment or economic aspects, which tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
  - a. Undue congestion of streets and traffic access.
  - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
  - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
  - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
  - a. It is not capricious or arbitrary in nature or intent.
  - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
  - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
  - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

**AND:**

**R-1M. Manufactured home/recreational vehicle (RV) park:**

*Policy statement:* This district is established to allow single-family residential usage of manufactured housing and recreational vehicles (RV) in a specially designed community or park with public and private amenities provided by the park developer as opposed to the park tenants. This district will allow a greater density of single-family residences to locate in an aesthetically pleasing environment by requiring certain spatial and buffer requirements.

1. Use Regulations:
  - a. A building or land shall be used only for manufactured home and RV parks and accessory uses.
  - b. Special exception uses and structures include clubhouses, laundry facilities, rental offices, managers' homes, and/or accessory recreational facilities for park residents only.
2. Special permit uses:
  - a. Include RV parks of one-half acre provided that the Special Provisions for RV Parks [subsection 4 below], other than the minimum site requirement, are met.
  - b. Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § IV, 10-5-92)
3. Spatial Requirements: Shall conform to the Manufactured Home Park or RV Park regulations and design standards outlined as Special Provisions [subsection 4] below.
  - a. Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.(Ord. No. 08-8-9, § VI, 8-18-08)
4. Special Provisions: Shall conform to either the Manufactured Home Park of [or] RV Park regulations and design standards noted below as they pertain to the total park use.

Manufactured home park:

- a. Location, space and general layout:
  - (1) The manufactured home park shall be located on a well-drained site [and] shall be so located such that its drainage will not endanger adjacent property and water supply.
  - (2) Any lot or portion of ground proposed to be used for a manufactured home park shall have sufficient frontage for construction of entrances and exits properly designed for safe movement of park traffic.
  - (3) Each manufactured home space shall contain a minimum of three thousand one hundred fifty (3,150) square feet, shall be at least thirty-five (35) feet wide and eighty (80) feet long, and shall have its boundaries clearly defined. The space shall abut on an access drive which shall have unobstructed access to a public street or highway.
  - (4) A patio slab of at least one hundred eighty (180) square feet shall be provided on each manufactured home lot and conveniently located at the entrance of each manufactured home.
  - (5) A minimum site of two (2) acres is required for a manufactured home park.
  - (6) Manufactured homes shall be parked on each space to conform to the following minimums:
    - (a) Twenty-five (25) feet clearance between coaches. (Ord. No. 06-2-9, § I, 1-20-06)
    - (b) Five (5) feet clearance between each coach and its respective site line.
    - (c) Ten (10) feet between coaches and any adjoining property lines.
    - (d) Twenty (20) feet between coaches and any public street right-of-way.
    - (e) Twenty-five (25) feet between coaches and any building or structure not used for accessory purposes.
    - (f) Accessory buildings must be a minimum of ten (10) feet from any manufactured home.

[b. Reserved.]



- c. Parking: Sufficient paved parking shall be provided for the parking of at least one (1) motor vehicle for each manufactured home space plus an additional paved parking space for each three (3) lots to provide for guest parking for two (2) car tenants and for delivery and service vehicles.
- d. Recreation: Not less than ten (10) percent of the gross area of the manufactured home park is to be set aside, designed, constructed and equipped as a recreational area. Recreation area design and equipment shall be approved by the St. Charles Parish Recreation Department Director.
- e. Transportation system: All streets and access drives within the manufactured home park shall be constructed to required parish specifications as outlined in Subdivision Regulations [appendix C].
- f. Sewage Disposal: Each manufactured home site shall be provided with a sanitary sewer connection, and each manufactured home park shall be provided with a collection and treatment system and public water supply in compliance with the standards of the Parish Health Unit and the State Health Department.
- g. Garbage: If garbage hoppers are to be provided, then two (2) shall be provided for each twenty (20) manufactured home sites, and each hopper shall be screened from view by wood or masonry fencing.
- h. Screen fences, walls and buffer screening: Fences should be installed where necessary for screening purposes such as around outdoor areas, laundry yards, refuse collection points and playgrounds. A six (6) feet opaque fence or masonry wall shall border the park, and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones.
- i. General: Individual manufactured home sites may be leased or rented but not subdivided or sold.
- j. All improvements required in this section must be completed prior to the placement of any manufactured home on the site.

#### RV Park:

- a. Location, space and general layout:
  - (1) The RV park shall be located on a well-drained site [and] shall be so located such that its [its] drainage will not endanger adjacent property and water supply.
  - (2) Any lot or portion of ground proposed to be used for an RV park shall have sufficient frontage for construction of entrances and exits properly designed for the safe movement of park traffic.
  - (3) Each RV space shall contain a minimum of fourteen hundred (1,400) square feet, shall be at least thirty-five (35) feet wide, and shall have its boundaries clearly defined. The space shall abut on a driveway.
  - (4) A minimum site of one (1) acre is required for an RV park.
  - (5) RV's shall be parked on each space to conform to the following minimums:
    - (a) Twenty-five (25) feet clearance between RV's. (Ord. No. 06-2-9, § I, 2-20-06)
    - (b) Five (5) feet clearance between each RV and its respective site line.
    - (c) Ten (10) feet between RV's and any adjoining property lines.
    - (d) Twenty (20) feet between RV's and any public street right-of-way.
    - (e) Twenty-five (25) feet between RV's and any building or structure not used for accessory purposes.
    - (f) Accessory buildings must be a minimum of ten (10) feet from any RV.
- b. Parking: Sufficient area shall be provided for the parking of at least one (1) motor vehicle for each RV space plus an additional car space for each three (3) lots to provide for guest parking, two (2) car tenants and for delivery and service vehicles.
- c. Transportation system:
  - (1) Streets and access drives: All streets and access drives within the RV park shall be constructed to required parish specifications as outlined in subdivision regulations [appendix C].
  - (2) Driveway: All driveways within the RV park shall be designed and surfaced with appropriate materials which will provide adequate and safe means of transit for park residents.
- d. Recreation: Not less than ten (10) percent of the gross area of the RV park is to be set aside, designed, constructed and equipped as a recreational area. Recreation area design and equipment shall be approved by the St. Charles Parish Recreation Department Director.
- e. Utilities: Each RV site shall be provided with a sanitary sewer connection, and each RV shall be provided with a collection and treatment system and public water supply in compliance with the standards of the Parish Health Unit and the State Health Department.
- f. Garbage: If garbage hoppers are to [be] provided, then two (2) shall be provided for each twenty (20) RV sites, and each hopper shall be screened from view by wood or masonry fencing.
- g. Screen fences, walls and buffer screening: Fences should be installed where necessary for screening purposes such as around outdoor areas, laundry yards, refuse collection points and playgrounds. A six (6) feet opaque fence or buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones.
- h. General: Individual RV sites may be leased or rented but not subdivided or sold.
- i. All improvements required in this section must be completed prior to the placement of any RV on the site. (Ord. No. 82-6-9, § 1, 6-7-82; Ord. No. 87-1-14, 1-5-87)

## ANALYSIS

The applicant requests a rezone of a 4.7 acre parcel to develop a recreational vehicle (RV) park. The parcel currently is developed with a single-family house roughly in the middle. Originally a 4.7 acre tract measuring 103' wide on Canal Street by 2007' feet to an Entergy right of way, the previous owner completed a boundary adjustment/land swap/resubdivision in 2005 that widened a portion of the property

transferring the northernmost 575' for an equal area of land adjacent to the east to create Lot BY-1. The applicant purchased Lot BY-1 in May 2015.

Lot BY-1 exceeds the minimum one acre requirement, and the applicant has submitted a site plan showing the house to remain as a manager's home/office, two washaterias/bath houses, two large recreation areas, and 38 RV slots measuring 35 feet by x 40 feet and accessed by a 16 foot wide gravel driveway.

Current design standards for a recreational vehicle park require a minimum 10 per cent of the site for recreation, and each RV slot must be at least 35 feet wide and 1,400 square feet in area. Each RV slot must open directly onto a driveway and provide one passenger vehicle parking stall; one additional parking stall must be provided for every three RV slots; however, with 35 feet of width and 1,400 square feet, each slot is usually wide and deep enough to provide parking for two to three passenger vehicles, making additional parking areas unnecessary. Gravel is an acceptable surface for the driveway and parking stalls. Considering the standards, the following development scenarios should be considered for a rezoning request:

- the absolute maximum number of RV slots that could be permitted on the site is 131:  
(204,732 sf parcel– 10% open or recreation area)/1400 sf per slot = 131
- Sixty (60) RV slots could be arranged in an orderly fashion considering the 35' RV slot width:  
1433' long side/35' = 40; 202' rear/35 = 5; 573' long side/35' = 15; [40+5+15= 60]
- Fifty (50) RV slots feasible:  
Considering the lot dimensions and the single-family house currently in the center of the property

In order to receive a recommendation for approval, a rezoning request must meet all the criteria of at least one of three tests. The Department finds that this request **fails all three tests**.

The first test is designed to provide relief when the land use pattern or character of the area has changed to the extent that the existing zoning no longer allows reasonable use of the property. Reasonable use is defined as land use the same as or similar to existing property next to or across the street—which currently is religious institutions to the front and rear. The current R-1A(M) zoning allows this use as a Special Permit. To the east property is zoned R-1M, but developed with single-family mobile homes on 5,000 square foot lots, which is permitted on the subject property under the current R-1A(M) zoning.

This test requires consideration of unique characteristics of the subject property. With a width on Canal Street of 101 feet, it is unlikely that Lot BY-1 itself could be developed with a street and R-1A(M) lots, but this situation is not unique. Long, narrow lots exist all over the Parish. Developers often must assemble several properties to develop subdivisions. In 2005, the previous property owner started adding width to the property. Although this individual property is not perfectly suited to develop an R-1A(M) subdivision, the zoning does not prevent development to R-1A(M) standards. The zoning is meant to encourage certain use of the land consistent with the larger neighborhood—which is single-family residential at a commercial node (Canal Street).

Land use changes occurring in the larger area should be considered when evaluating this rezoning request. The subject property is situated between an area showing the highest levels of residential growth in the Parish over the last five years, and an area that shows signs of decline. These dynamics make it a challenge to evaluate the proposed change under this test—site-built single-family development is occurring near the site to the west and southwest. However, R-1M zoning exists adjacent to the east and is developed with mobile homes that generate complaints and code enforcement violations at increasing rates. This suggests the area abutting *immediately* to the east is in decline. A zoning change to R-1M on the subject property may discourage the single-family residential development occurring near the area to help stem the decline that is also occurring in the area. **For this reason, the request fails the first test.**

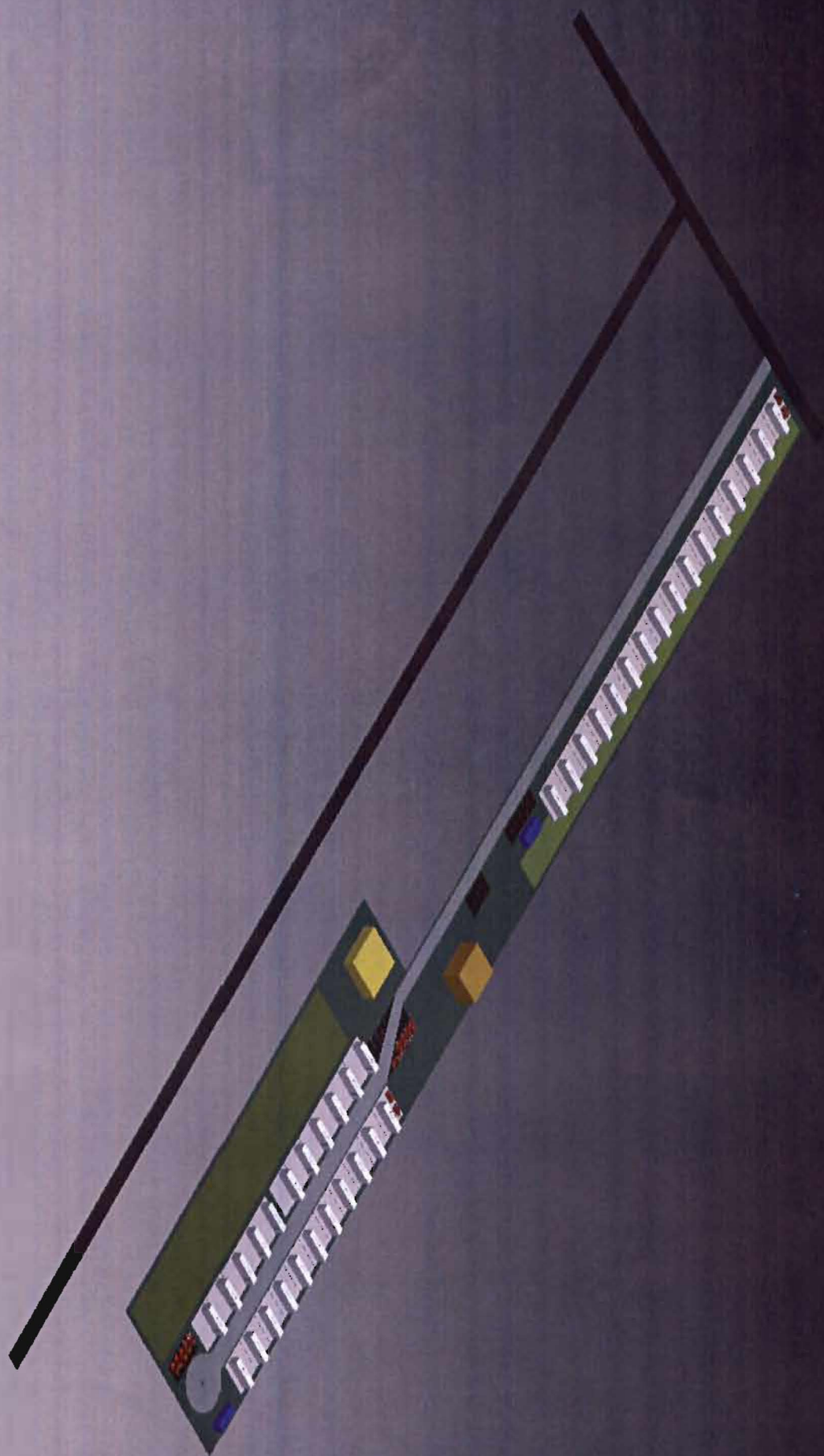
The second test is designed to protect the public interest by preventing congestion and overburdening of public infrastructure and utilities, by ensuring compatible land uses, and maintaining a balance of particular zoning districts in proportion to the population. While the proposed zoning change may not overburden public facilities, recreational vehicle parks are not compatible with the surrounding residential neighborhood. **For this reason, the request fails the second test.** Representatives of waterworks indicate the system can accommodate any of the potential development scenarios; likewise, the transportation system in the area provides good connectivity; Canal Street is less than 1/4 mile from Paul Maillard Road (a state highway) and intersects Paul Fredrick Street (a local street that offers a secondary

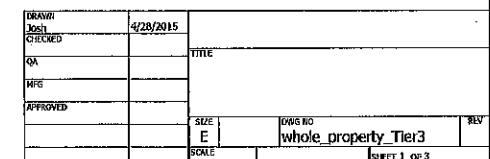
access to Paul Maillard Road via Hackberry Street). Canal Street is substandard, however, terminating at a drainage canal with no turn around facilities. Should the proposed zoning change be approved, the developer should be required to develop turn-around facilities for vehicles towing RVs. Representatives of wastewater are reviewing the potential development scenarios to ensure the sewer facilities can accommodate.

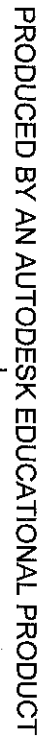
The third test is designed to evaluate the proposed request with zoning law and precedent and to prevent spot zoning which may adversely affect the normal maintenance and enjoyment of adjacent properties. Adjacent properties are vacant and wooded to the west, religious to the north and south, and residential mobile homes to the east. The adjacent residential mobile homes are within an R-1M zoning district, but are nonconforming in that they are not a "specially designed community or park with public and private amenities provided by a park developer." For that reason, the Paul Maillard Road Revitalization Plan (PMRRP) recommends rezoning the R-1M district abutting the subject site from R-1M to R-1A(M). The PMRRP was an 18 month long planning process with robust public input. The plan found that 79% of the housing units served by the Paul Maillard Road corridor are owner-occupied. That rate is approximately 5% lower than the Parish average, but is high enough to be a strength in the area that should be supported. A specific recommendation of the plan is to "Increase the number of home owners and home ownership opportunities" (PMLU #7). R-1A(M) is the appropriate zoning district to encourage home ownership rates in the community. An immediate step the plan recommends is to "propose a change to R-1AM zoning for the existing R-1M zoning district in the study area" (PMLU 2.2.1). **For these reasons, the request fails the third test.**

This analysis considers the effect that rezoning Lot BY-1 from R-1A(M) to R-1M and developing an RV park may have on the neighborhood around it. Although residential housing development is not occurring immediately adjacent to the property, the highest rates of housing starts in the Parish in recent years occurred in the census tract that this property is located in. The community's interest in increasing homeownership opportunities and rates in the area reflected in the Paul Maillard Road Revitalization Plan suggest that a change of zoning to accommodate an RV park seems to ignore the changing land use character that could benefit the area. As the Paul Maillard Road Revitalization Plan recommends, the R-1M zoning in the area should not be expanded; it should be changed to R-1A(M) to help stem the decline in the immediate area.

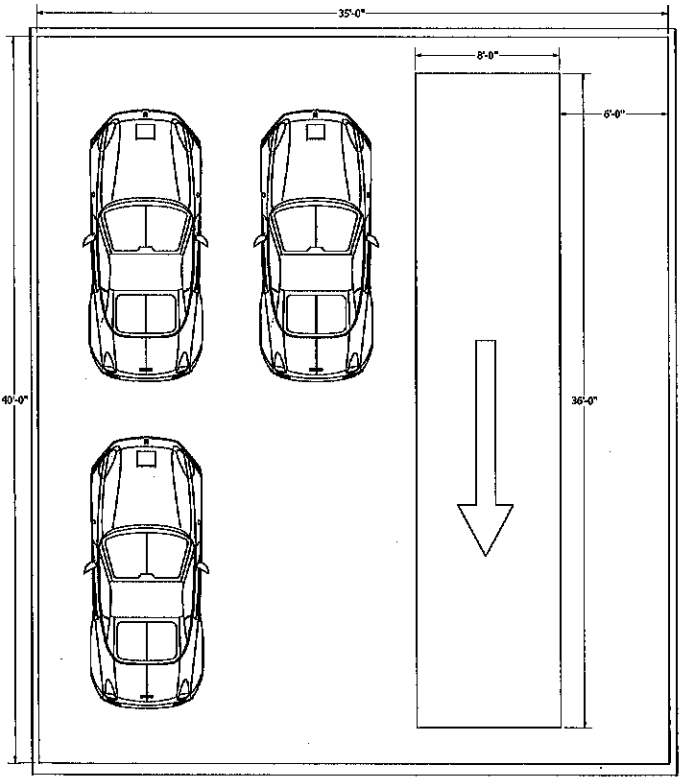
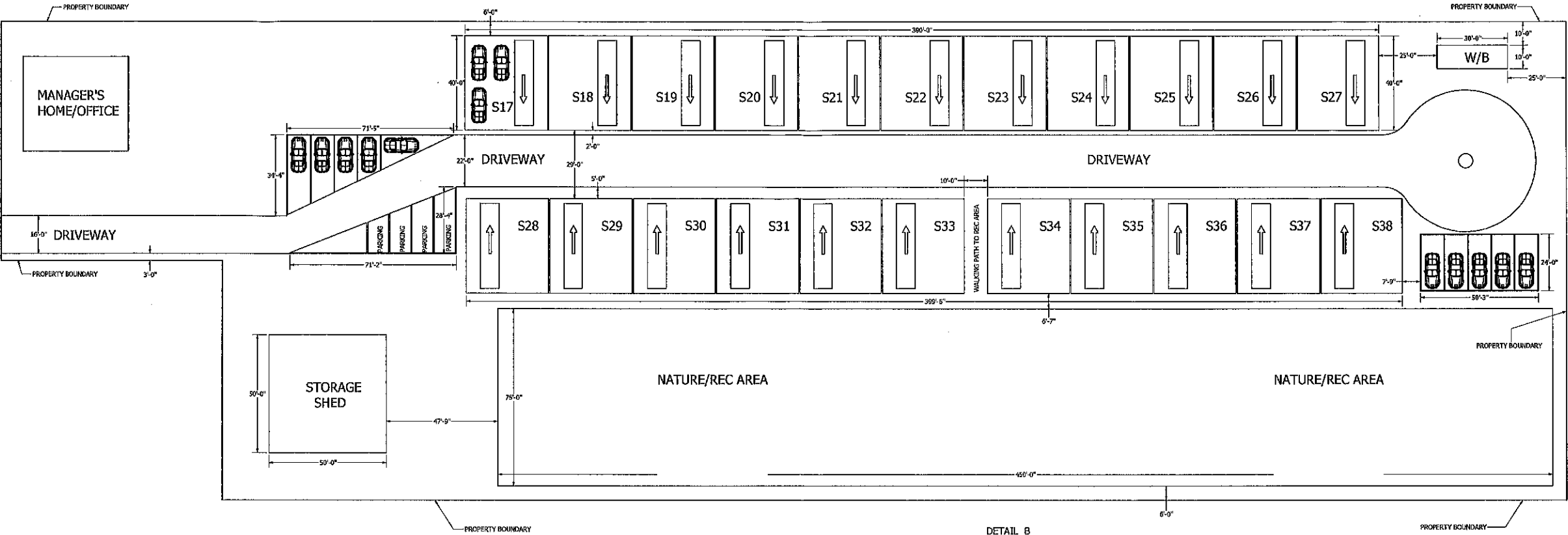
**DEPARTMENTAL RECOMMENDATION**  
**Denial.**







8



DRAWN	JOHN	4/29/2015		
CHECKED			TITLE	
QA				
INPS				
APPROVED				
			SIZE	DATE
			E	4/29/2015
			SCALE	whole_property_Tier3
				REV
				1

## Marny Stein

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**From:** Josh Billings <billingsjosh@ymail.com>  
**Sent:** Friday, August 21, 2015 8:41 AM  
**To:** Marny Stein  
**Subject:** Re: Rezone application  
**Attachments:** turn radius.pdf

Hi Marny,

Regarding turn radius concerns:

I measured Canal St and Paul Maillard (at the intersection).  
They are both approximately 21 feet wide.

The best approximation I can give for the turn radius of a tag-along RV is found using the following equation:

Turn Radius = (length of tow vehicle) + 0.5(length of RV)

For example:

Max length of an F250 is 22ft.  
Largest RV allowed in the park is 40ft (most will be 36ft or less).

Using these max numbers:  $(22\text{ft}) + 0.5(40\text{ft}) \implies \text{Max turn radius} = 42\text{ft}$ .

According to my calculations, Paul Maillard at Canal St will accommodate a 45ft turn radius fairly easily. (image attached)

Of course, 5th wheel RV's have the advantage of a better turn radius with the gooseneck design.

Also, I measured Old Spanish Trail (in two places only, but near RV parks):

The street width varied between 18 and 19 feet.

RV owners don't seem to have a problem turning into those parks (with driveways that appear to be less than 21 ft wide, but I did not measure).

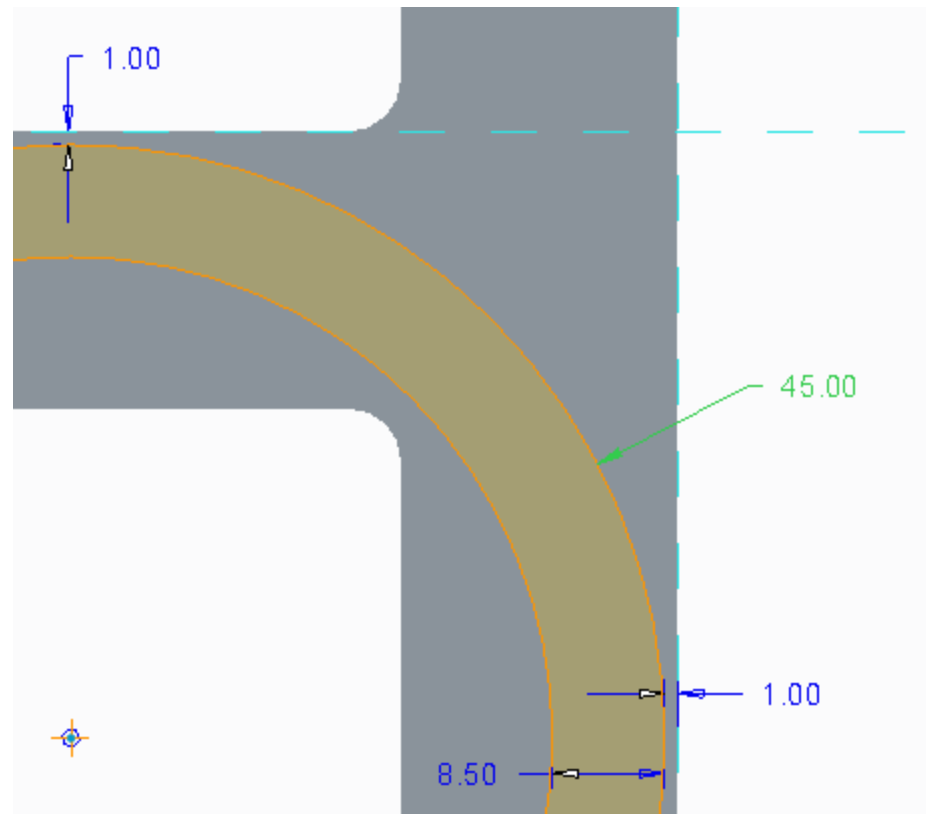
Therefore, I don't see turn radius as a common problem.

As is the case with anyone operating a motor vehicle on the road, RV owners/drivers are responsible for any damage they may cause due to negligence.

Thanks,  
Josh



Paul Maillard @ Canal St.

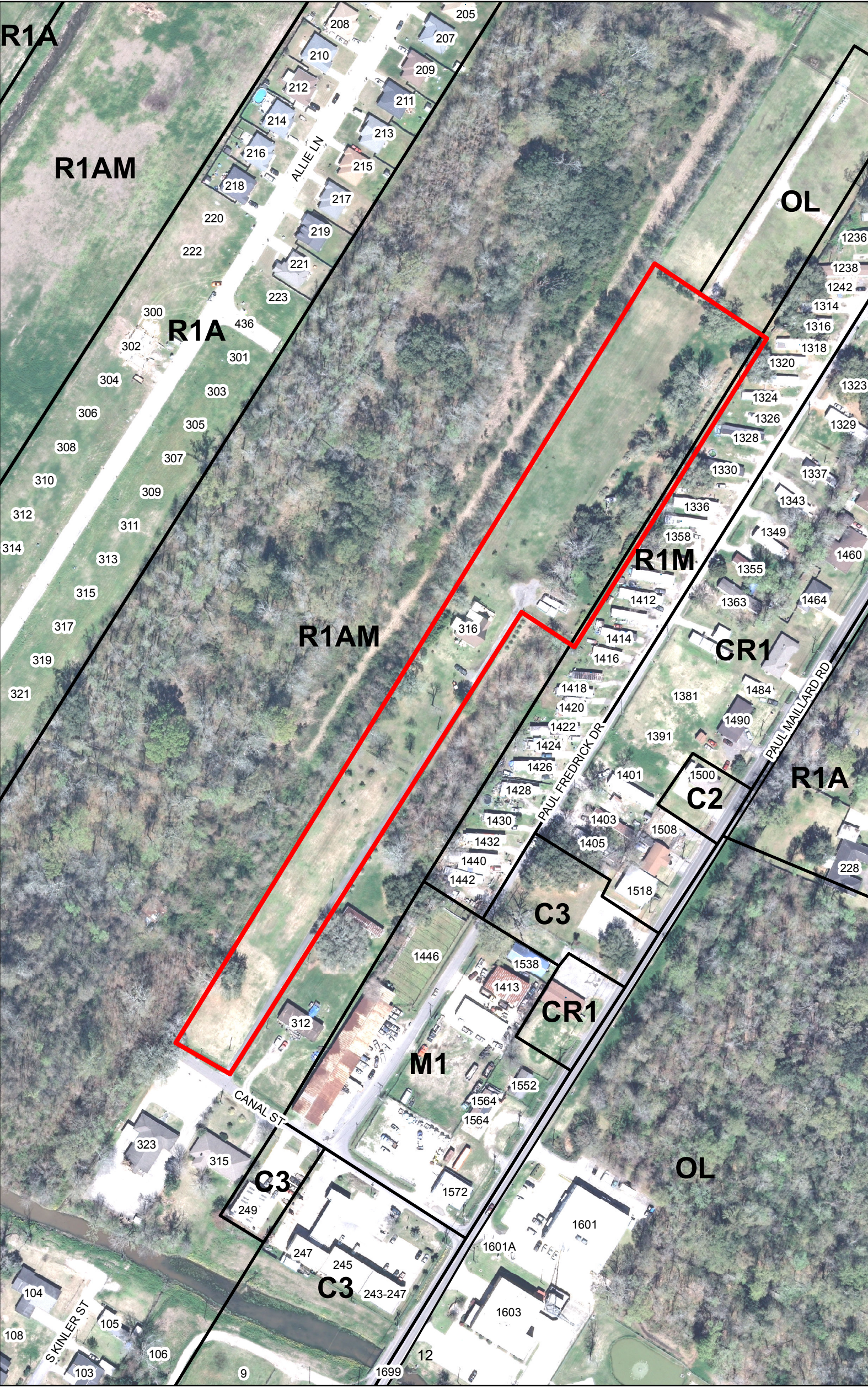


\*Both streets approximately 21ft wide.

Using:

Turn Radius = (length of tow vehicle) + 0.5(length of RV)







# LAND USE REPORT

## CASE NUMBER: PZR 2015-18

- ◆ **Name/Address of Applicant:**  
Houston Energy / William Flores  
1415 Louisiana Street, Ste. 2400  
Houston, TX 77002  
713.400.7774  
[bflores@houstonenergyinc.com](mailto:bflores@houstonenergyinc.com)
- ◆ **Location of Site:**  
North of Willowdale Subdivision, East of Willowdale Blvd.
- ◆ **Requested Action**  
Rezone from R-1A to O-L
- ◆ **Purpose of Requested Action**  
To construct a board road, and prospect for gas via conventional rig and drill pad.

- ◆ **Size of Parcel**  
130,680 square feet (approx. 3 acres)
- ◆ **Existing Land Use and Zoning**  
R-1A Zoning(proposed O-L); wooded and vacant
- ◆ **Surrounding Land Uses and Zoning**  
R-1A zoning & with wooded vacant land to the North and East; R-1A zoning and land use to the South and West.
- ◆ **Traffic Access and Parking**  
Willowdale Boulevard.
- ◆ **Plan 2030 Recommendations:**  
*Wetland*

1. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
  - a. Land use the same as, or similar to that existing on properties next to, or across the street from the site under consideration.
  - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
  - c. Consideration of changes in land value, physical environment or economic aspects, which tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
  - a. Undue congestion of streets and traffic access.
  - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
  - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
  - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
  - a. It is not capricious or arbitrary in nature or intent.
  - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.

- c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
- d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

**ANALYSIS**

This request is to rezone a portion of wooded property currently zoned R-1A to O-L to allow for a Special Permit Use to prospect for gas from a conventional rig and drilling pad. The applicants started their process by applying for a US Army Corps of Engineers Permit and a Louisiana Department of Natural Resources (LADNR) Permit to locate a drilling pad at the end of 2014. The original application for those permits identified the board road on top of the existing levee North of Willowdale subdivision. Because of objections from the nearby residents and the Department of Public Works, an alternative location with the drilling pad and board road located nearly 600 feet to the north was submitted to the permit agencies and a Letter of No Objection was sent by the Parish Council. However, during review, a hydrologist with LADNR objected to the location of the board road, citing concerns about impounding water between it and the existing levee. Subsequently, Houston Energy submitted a third site plan, leaving the drilling pad in its northern location, but aligning the board road back near the levee, but angling to avoid the residences as a compromise. This proposal also appeared before the Parish Council and received a Letter of No Objection. The rezoning case PZR-2015-18 and the Special Permit Case PZSPU-2015-16 both reflect the third site plan described above.

Recommendation for rezoning approval requires that an application must meet the tests of one of three criteria listed above. This application **fails all three**.

The first criteria addresses whether land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. No land use in the area is the same as, or similar to, the proposed zoning. There are no unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies. It could be argued that changes in land value, physical environment or economic aspects would make the site more difficult to develop as is it currently zoned; it has been some 10 years since a new major subdivision has been filed for.

The second criteria addresses whether proposed zoning will comply with the general public interest and welfare. One of the complaints heard early in this process was that the project would create congestion of streets and traffic access problems, particularly during the initial construction phase. The second site plan would have addressed this issue because of where the access road left Willowdale Boulevard, but that was rejected by LADNR. It appears the only public facilities that may be affected would be transportation, as discussed above, but that sewerage, drainage, schools, parks and other public facilities would not be affected at all. By all appearance the proposed and potential use of an O-L piece of land in this area is, or may become incompatible with existing character or usage of the neighborhood which is all single family, site built homes. The proposal does not create an oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood in that there are no O-L properties nearby.

The third criteria judges whether proposed zoning change is in keeping with zoning law and precedent. The proposal doesn't appear to be capricious or arbitrary in nature or intent and does not create a monopoly. Some neighboring properties have stated that they believe this project would limit the value or usefulness of their property. It could be argued that the proposal does adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns in that the area has tended toward single family residential since the original zoning was adopted in 1981. Approving the proposal would create a spot zone that may result in an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

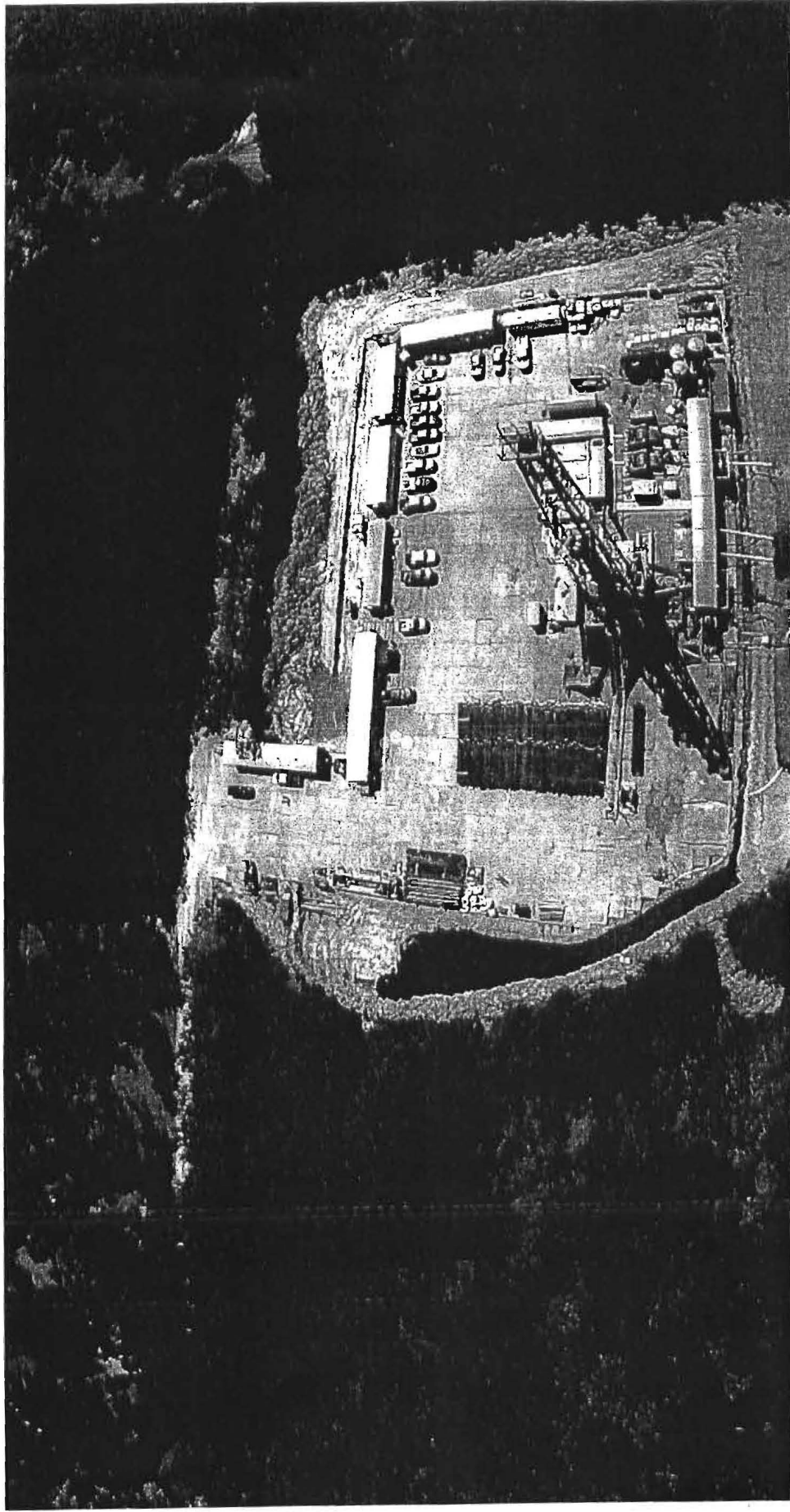
The Future Land Use Map for the lot is *Wetland*. It could be argued that while this rezoning does not ask to zone the area as Wetland (W-1), that the O-L Zoning is a movement closer to the desired use, so the proposal is not incompatible with the FLUM.

As previous stated to the St. Charles Parish Council, the proposal that moves the road several hundred feet to the north and pulls the construction traffic off of Willowdale Boulevard before passing in front of residents homes would address one if not all of the issues raised in the analysis.

**DEPARTMENT RECOMMENDATION**

**Denial.**

# RIVERBEND PROSPECT DRILLING VISUAL



# PRODUCTION SITE



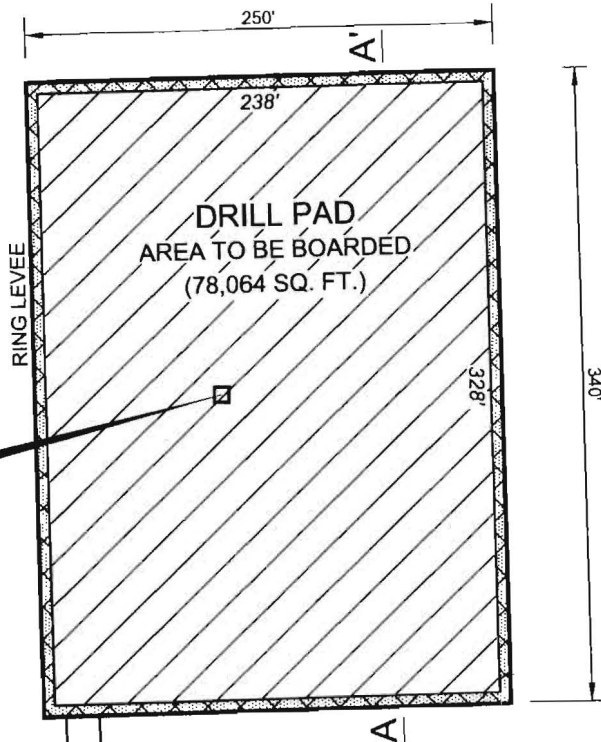
MAXIMUM OUTSIDE DIMENSIONS OF LEVEES SHALL NOT EXCEED 340' X 250'.

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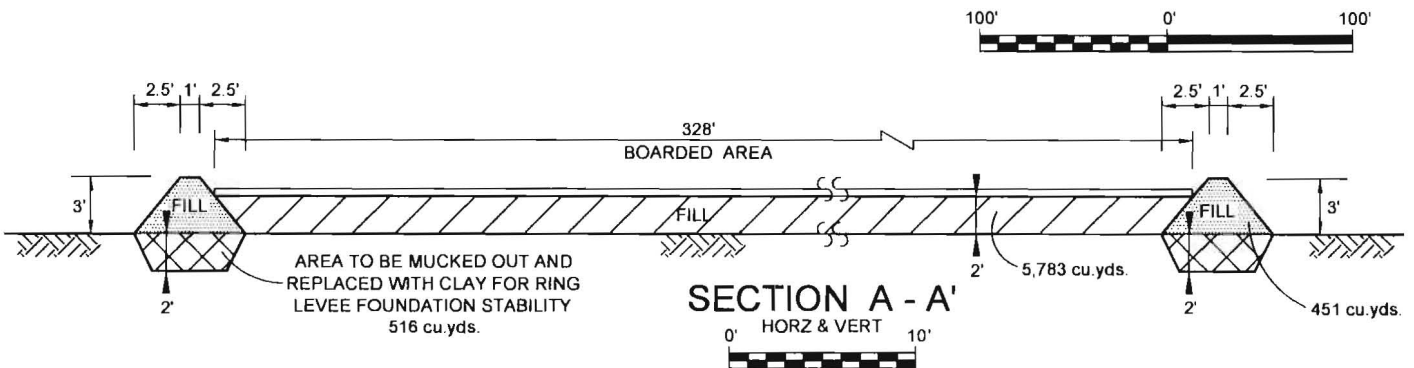
APPROX. 6,750 CU. YDS. (1.95 ACS.) OF FILL TO BE HAULED IN TO CONSTRUCT DRILL PAD & RING LEVEES.

A CLOSED LOOP SYSTEM WILL BE UTILIZED DURING DRILLING OPERATIONS.

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Lat=	29°53'56.4"N
Lon=	90°19'52.2"W
X=	2,317,565' (27)
Y=	449,442'



TYPICAL DRILL SITE PLAN



HOUSTON ENERGY OPERATING, L.P.

1415 LOUISIANA, SUITE 2400

HOUSTON, TEXAS 77002

PROPOSED DRILL SITE & LOCATION

RIVER BEND PROSPECT

ST. CHARLES PARISH, LOUISIANA



JOB NO. 150270

DWG: REP

CHK: HEK

REVISED: 10/28/2014  
10/30/2014  
12/22/2014  
4/6/2015

DATE 6/30/2014

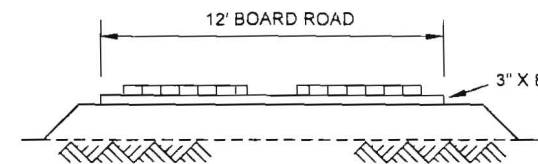
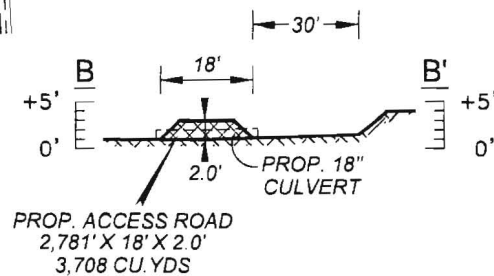
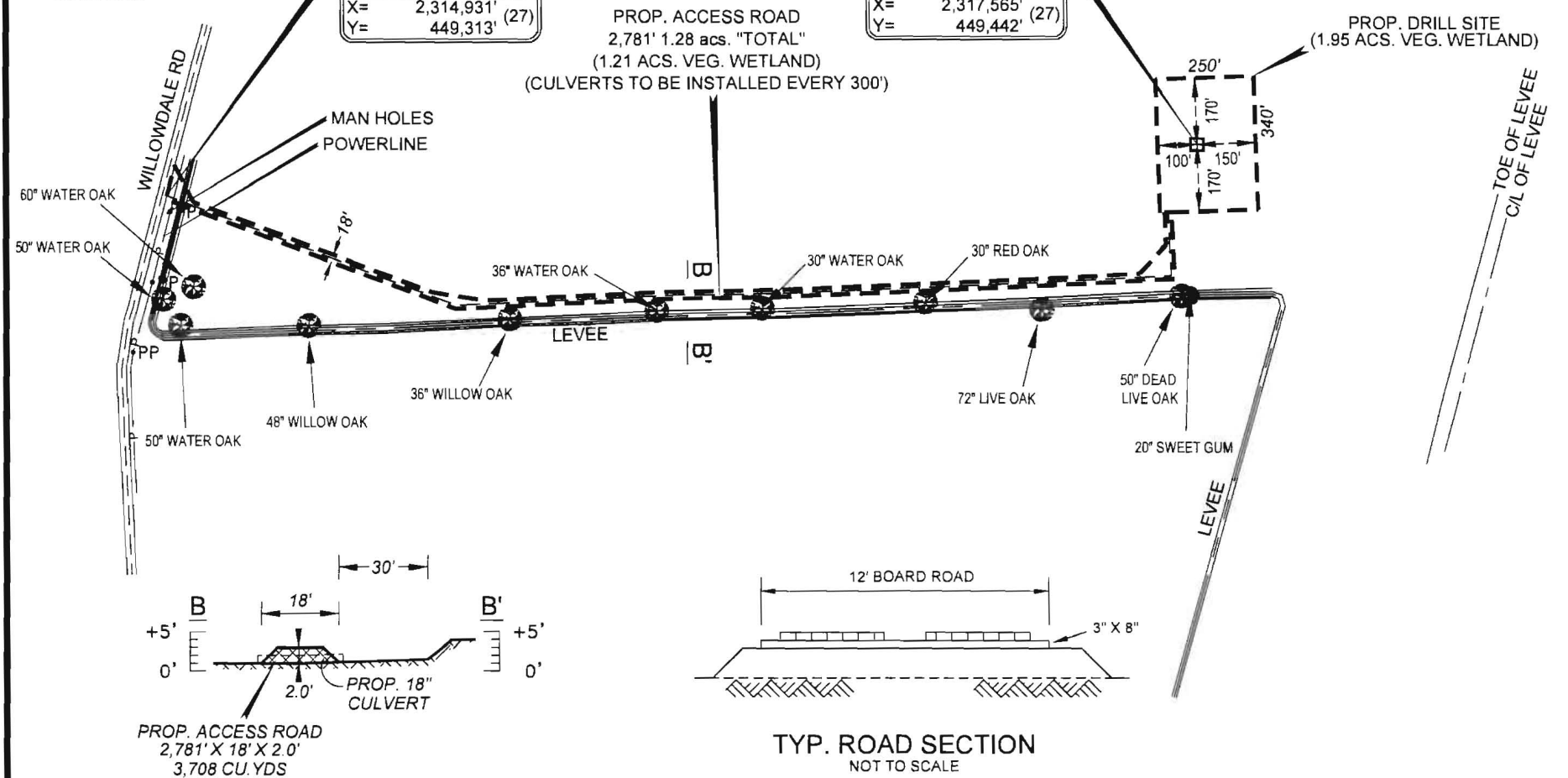
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SHEET 3 OF 3

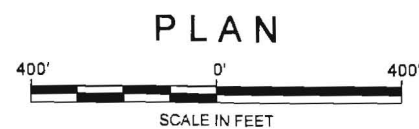


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TYP. ROAD SECTION  
NOT TO SCALE



PLAN

HOUSTON ENERGY OPERATING, L.P.  
1415 LOUISIANA, SUITE 2400  
HOUSTON, TEXAS 77002

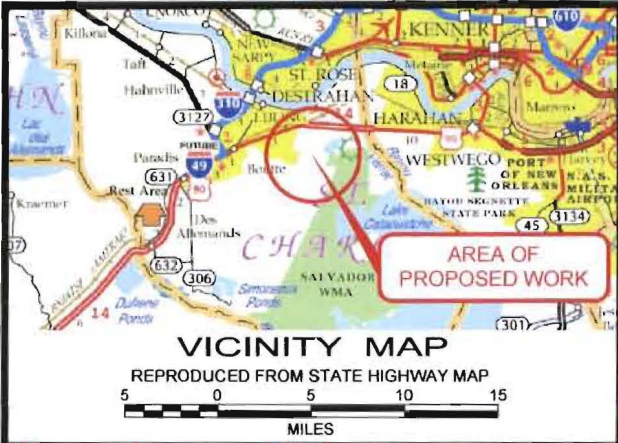
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RIVER BEND PROSPECT  
ST. CHARLES PARISH, LOUISIANA



JOB NO. 150270    DWG: REP    CHK: HEK  
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SHEET 2 OF 3



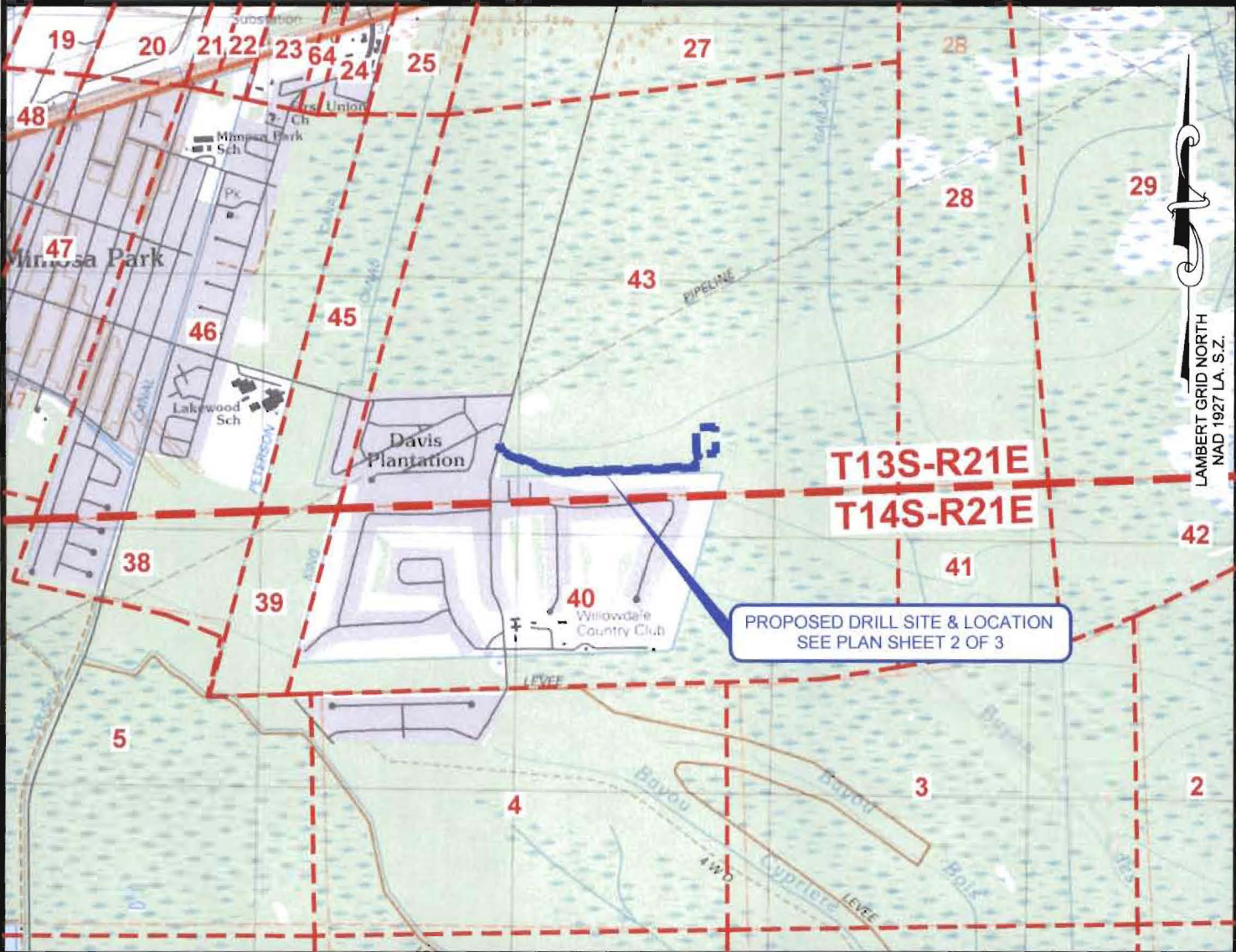


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All structures will be marked and lighted in accordance with U.S Coast Guard regulations.

As-built drawings shall be submitted within 30 days of completion of this project to the Louisiana Department of Natural Resources, Office of Conservation, Pipeline Division, P.O. Box 94275, Baton Rouge, LA 70804 and to the Louisiana Department of Natural Resources, Coastal Management Division, P. O. Box 44487, Baton Rouge, La. 70804-4487.

Permittee shall contact Louisiana ONE CALL at 1-800-272-3020 forty-eight hours prior to excavation or demolition.



**HOUSTON ENERGY OPERATING, L.P.**

1415 LOUISIANA, SUITE 2400

HOUSTON, TEXAS 77002

**PROPOSED DRILL SITE & LOCATION**

**RIVER BEND PROSPECT**

**ST. CHARLES PARISH, LOUISIANA**



JOB NO. 150270

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REVISED: 10/10/2014  
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DATE 6/30/2014

FILENAME: L:\14S21E\150270\150270.DWG

**SHEET 1 OF 3**





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**Call before you dig.**  
 Note: Prior to construction, the contractor will verify all utilities. If a conflict exists, notify the project engineer/architect.



Civil & Environmental Consulting Engineers  
 Danny J. Hebert, P.E., LLC  
 www.hebertengineering.com  
 (985) 785-2380

8/18/18		REVISED TO SHOW NEW SITE	1
DATE	DESCRIPTION	NO.	
DESIGNED BY: JAH	DRAWN BY: LBB	CHECKED BY:	APPROVED BY:

HOUSTON ENERGY OPERATING, L.P.  
 HOUSTON, TEXAS 77002  
 RIVER BEND PROSPECT  
 DANNY J. HEBERT, P.E.  
 CIVIL AND ENVIRONMENTAL CONSULTING ENGINEERS  
 P.O. BOX 1526 LUDWIG, LOUISIANA 70070  
 PHONE: (985) 785-2380 FAX: (985) 785-2388

# St. Charles Parish

## Department of Planning & Zoning

### LAND USE REPORT

**CASE NUMBER: PZSPU-2015-16**

#### GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicants:** Houston Energy / William Flores  
1415 Louisiana Street, Ste. 2400  
Houston, TX 77002  
713.400.7774  
[bflores@houstonenergyinc.com](mailto:bflores@houstonenergyinc.com)
- ◆ **Location of Site:** North of Willowdale Subdivision, East of Willowdale Blvd.
- ◆ **Requested Action:** Mineral Extraction in a proposed O-L.

**Application Date:** 7/1/15

#### SITE-SPECIFIC INFORMATION

- ◆ **Size of Parcel:** 130,680 square feet (approx. 3 acres)
- ◆ **Plan 2030 Recommendation:** *Wetland.*
- ◆ **Existing Zoning and Land Use:** R-1A Zoning(proposed O-L); wooded and vacant
- ◆ **Surrounding Land Uses and Zoning:** R-1A zoning & with wooded vacant land to the North and East; R-1A zoning and land use to the South and West.
- ◆ **Utilities:** All utilities would have to be installed to the site from Willowdale Boulevard.
- ◆ **Traffic Access:** Willowdale Boulevard

#### APPLICABLE REGULATIONS

##### **Appendix A. Section [VI.].C. [I.]O-L. Open Land District:**

1.Use Regulations:

- c. Special permit uses and structures include the following:
  - (4) Extraction of oil and gas, minerals and other natural resources provided that criteria set forth by the St. Charles Parish Coastal Zone Management Section of the Planning and Zoning Department are met.

**AND:**

**Appendix A, Section IV. 9.:** Review and evaluation criteria/special permit use and special exception use: The appropriate decision-making agent and/or body shall review and evaluate each application based upon the following relevant criteria:

- a. Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.
- b. Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.
- c. Potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.
- d. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and uses in the area.

- e. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
- f. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
- g. Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.
- h. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.

The above criteria listed in a—g is to be considered illustrative and not restrictive, and other criteria may be considered although not specifically listed above if said criteria affects [affect] the general welfare and safety of the public at large.

ANALYSIS

This request is to rezone a portion of wooded property currently zoned R-1A to O-L to allow for a Special Permit Use to prospect for gas from a conventional rig and drilling pad. The applicants started their process by applying for a US Army Corps of Engineers Permit and a Louisiana Department of Natural Resources Permit to locate a drilling pad at the end of 2014. The original application for those permits identified the board road on top of the existing levee North of Willowdale subdivision. Because of objections from the nearby residents and the Department of Public Works, an alternative location with the drilling pad and board road located nearly 600 feet to the north was submitted to the permit agencies and a Letter of No Objection was sent by the Parish Council. However, during review, a hydrologist with LADNR objected to the location of the board road, citing concerns about impounding water between it and the existing levee. Subsequently, Houston Energy submitted a third site plan, leaving the drilling pad in its northern location, but aligning the board road back near the levee, but angling to avoid the residences as a compromise. This proposal also appeared before the Parish Council and received a Letter of No Objection. The rezoning case PZR-2015-18 and the Special Permit Case PZSPU-2015-16 both reflect the third site plan described above.

The Future Land Use Map for the lot is *Wetland*. It could be argued that while this rezoning does not ask to zone the area as Wetland (W-1), that the O-L Zoning is a movement closer to the desired use, so the proposal is not incompatible with the FLUM so it **would comply to criteria a.**

Because of the industrial nature of the proposal in the vacant and residential area the project would not be compatible with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features particularly during the initial construction phase therefore **the proposal would not meet criteria b.**

Again because of the industrial nature of the proposal in the vacant and residential area the proposed project has potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district such as additional housing. **The proposal therefore does not meet criteria c.**

Previously expressed concerns about the heavy truck traffic associated with construction as well as the safety and convenience of vehicular and pedestrian circulation in the vicinity would be in question. This would include traffic reasonably expected to be generated by the proposed use, other uses anticipated in the area under the existing zoning, and uses currently underway in the area (including the ongoing levee construction that is already placing heavy construction activity on Willowdale Boulevard). **Therefore the proposal does not meet criteria d.**

Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts has been called into question with this project but if proper buffering is maintained, the impacts from the proposal should be minimal. The greatest potential with this project would be with noise from the drilling activity, but most should be buffered by the trees the applicant proposes to leave in place, however because the project is industrial in it nature, the potential still exists and has been identified as an issue of the residents, the **proposal therefore does not meet criteria e.**

The proposed site has adequate off-street parking and loading facilities and should have sufficient protection of adjacent property from glare of site lighting. **The proposal meets criteria f.**

The proposal does not conform with the objectives of these regulations and the general purposes of the zone in which the site is located in that the site has had to propose rezoning this site even to be able to apply for this special permit use. **The proposal does not meet criteria g.**

The applicant have shown that they are willing to adjust the project to meet public concerns, but are being force by another regulatory agency to locate the access to the project closer to the residents that either they or the resident would like. They have tried to adjust their project so that the conditions

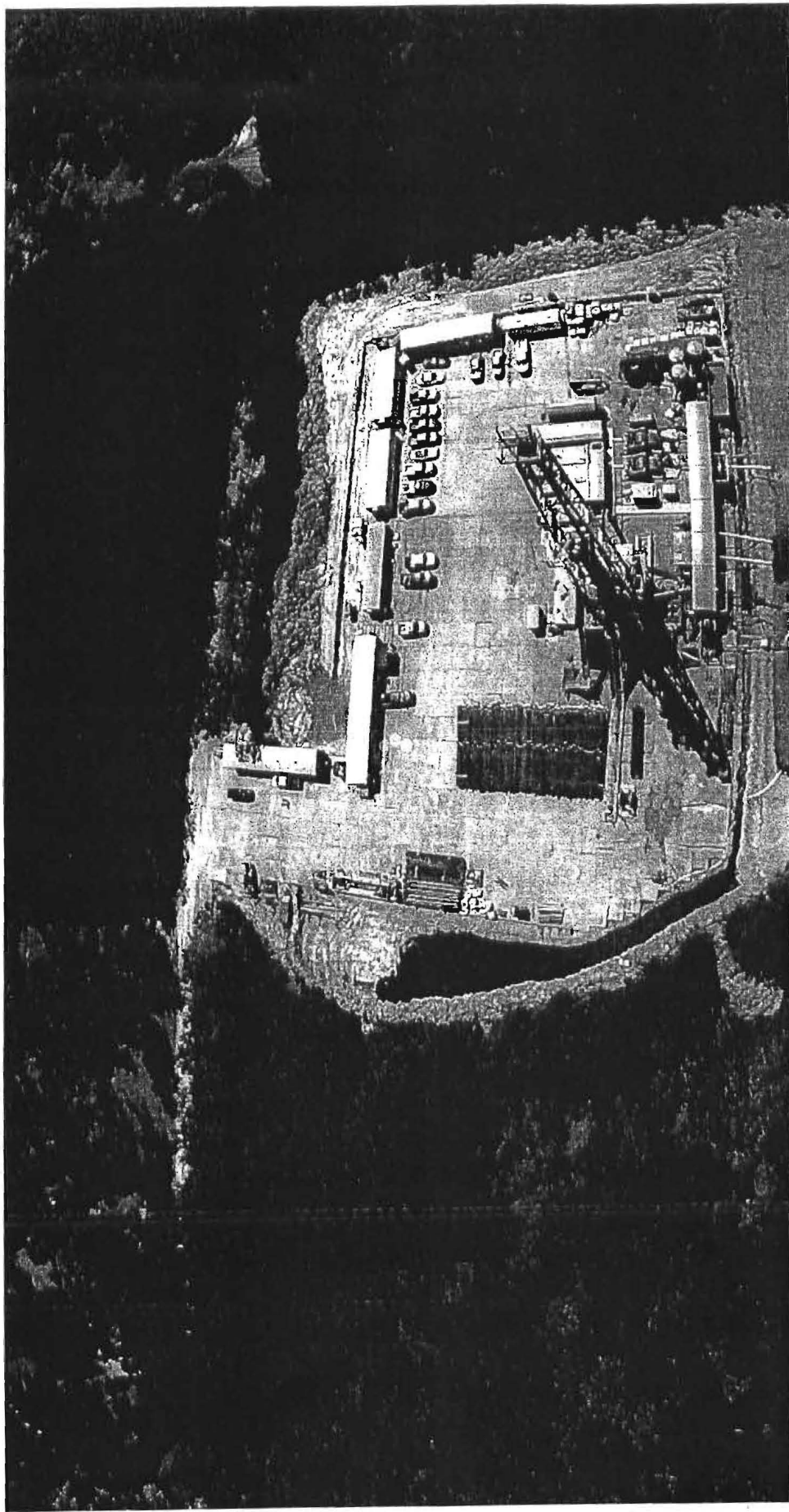
applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area. **The proposal meets criteria h.**

As previous stated to the St. Charles Parish Council, the proposal that moves the road several hundred feet to the north and pulls the construction traffic off of Willowdale Boulevard before passing in front of residents homes would address one if not all of the issues raised in the analysis.

<b>DEPARTMENTAL RECOMMENDATION</b>
<b>Denial.</b>



# RIVERBEND PROSPECT DRILLING VISUAL



# PRODUCTION SITE



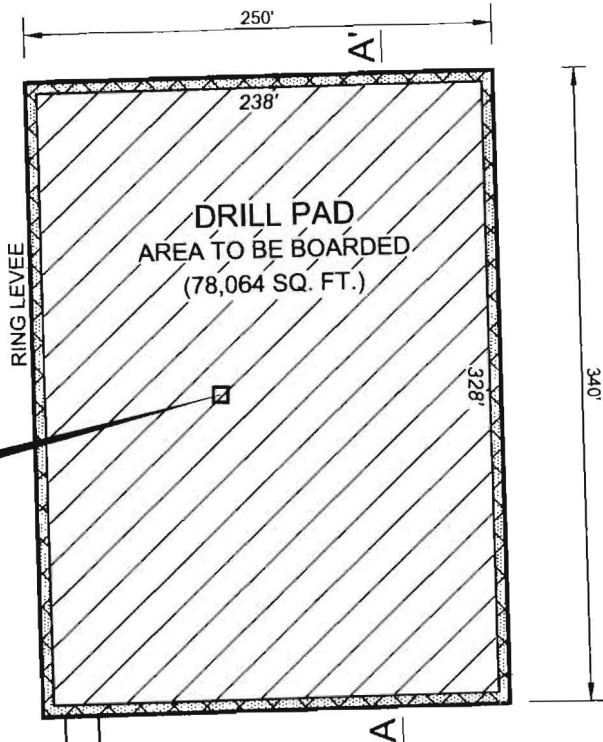
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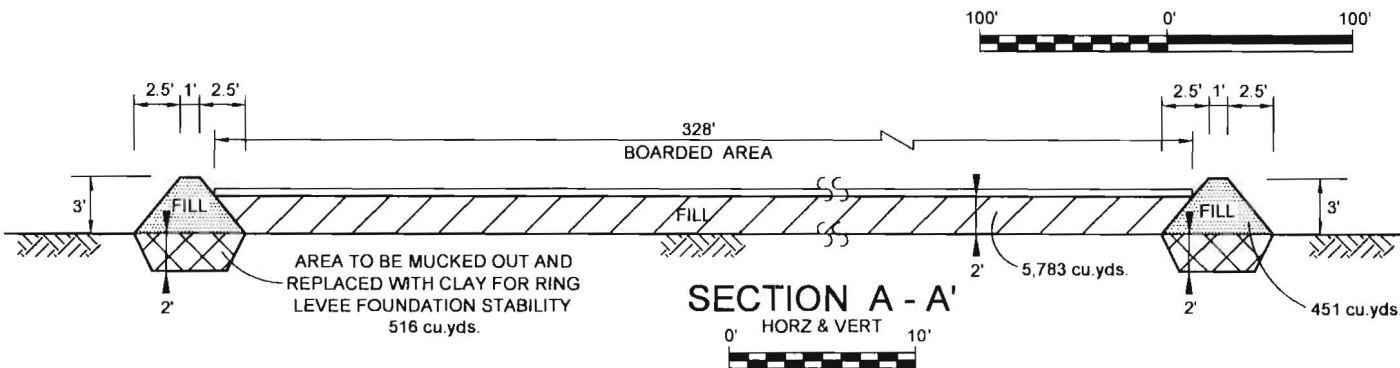
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LAMBERT GRID NORTH  
NAD 1927 LA. S.Z.

TYPICAL DRILL SITE PLAN



HOUSTON ENERGY OPERATING, L.P.

1415 LOUISIANA, SUITE 2400

HOUSTON, TEXAS 77002

PROPOSED DRILL SITE & LOCATION

RIVER BEND PROSPECT

ST. CHARLES PARISH, LOUISIANA



C&C Technologies  
An Oceanneering International Company™

JOB NO. 150270

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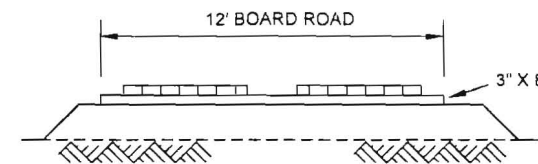
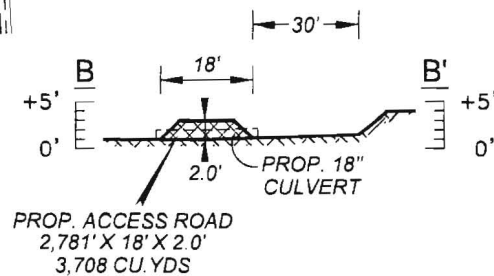
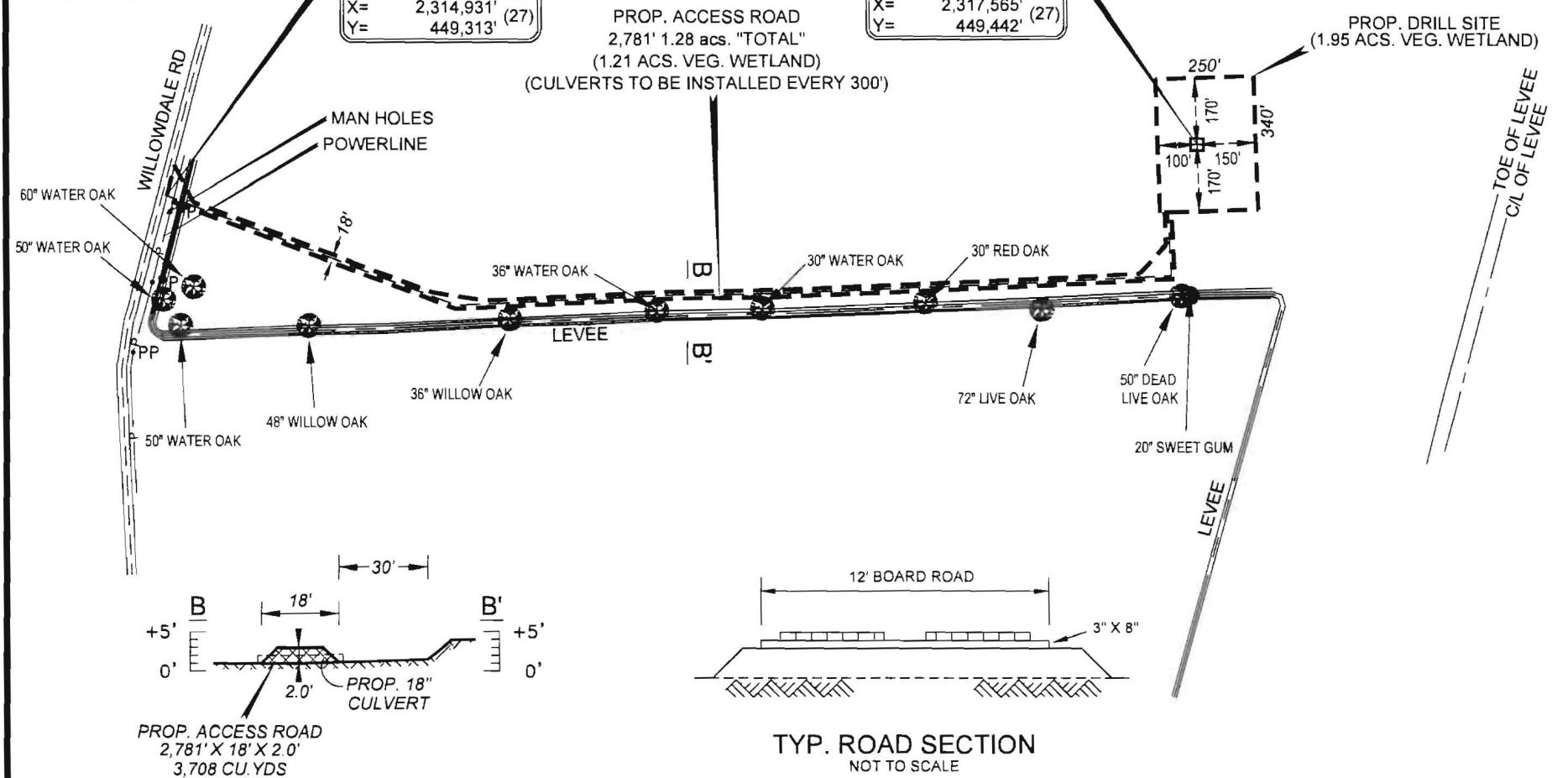
SHEET 3 OF 3





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PLAN

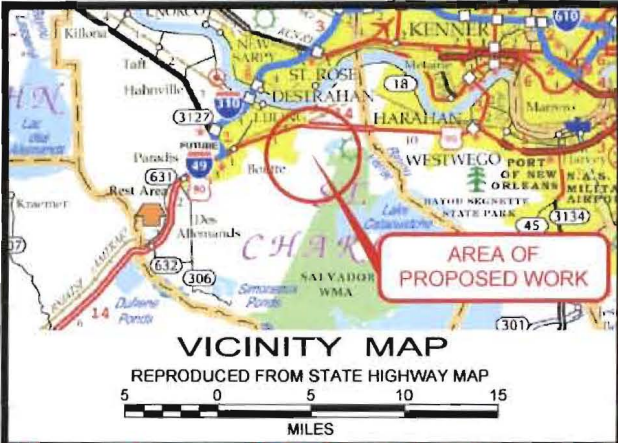
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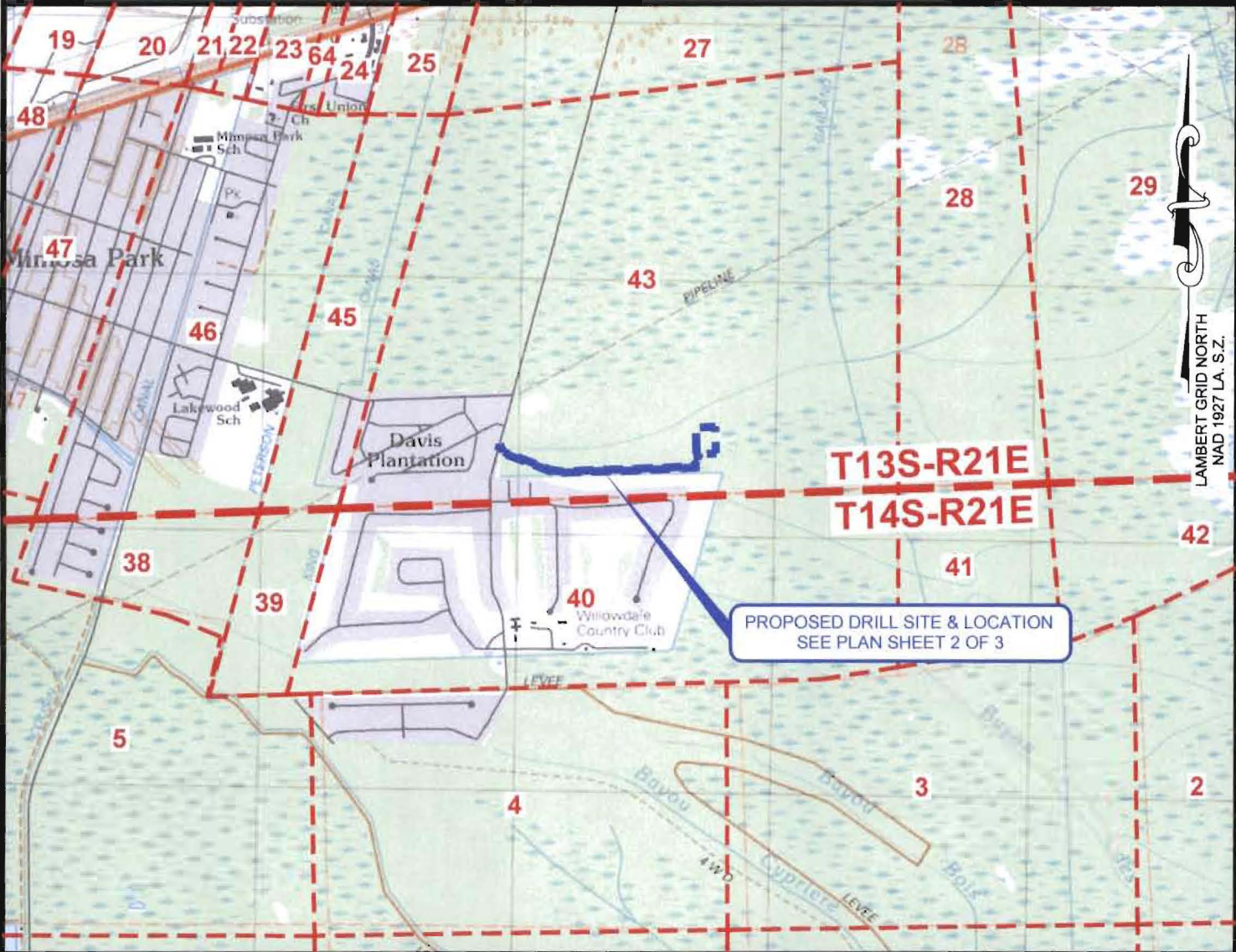


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2000' 0' 2000' 4000'  
SCALE IN FEET

**HOUSTON ENERGY OPERATING, L.P.**

1415 LOUISIANA, SUITE 2400  
HOUSTON, TEXAS 77002

**PROPOSED DRILL SITE & LOCATION**

**RIVER BEND PROSPECT**  
**ST. CHARLES PARISH, LOUISIANA**



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**SHEET 1 OF 3**





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 Civil & Environmental Consulting Engineers  
 Danny J. Hebert, P.E., LLC  
 www.hebertengineering.com  
 (985) 785-2380

DATE	DESCRIPTION	NO.
8/18/18	REVISED TO SHOW NEW SITE	1

HOUSTON ENERGY OPERATING, L.P.  
 HOUSTON, TEXAS 77002  
 RIVER BEND PROSPECT  
 DANNY J. HEBERT, P.E.  
 CIVIL AND ENVIRONMENTAL CONSULTING ENGINEERS  
 P.O. BOX 1526 LULU, LOUISIANA 70070  
 PHONE: (985) 785-2380 FAX: (985) 785-2388

DATE: 12/18/14	PLOT SCALE: 1" = 100'	DRAWING NO. 2
DESIGNED BY: D.J.H.	DRAWN BY: D.J.H.	APPROVED BY:
CHECKED BY:	CHECKED BY:	APPROVED BY:

## Wendy Watkins

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**From:** Marny Stein  
**Sent:** Tuesday, August 18, 2015 9:14 AM  
**To:** Wendy Watkins  
**Subject:** FW: It's Time To Withdraw RE: PZSPU-2015-17

---

**From:** Cecil Sumners [<mailto:acsumners@mindspring.com>]  
**Sent:** Tuesday, August 18, 2015 9:12 AM  
**To:** Michael Albert; Earl Matherne; Steve Romano; Marny Stein; John Gutierrez  
**Cc:** Paul J. Hogan  
**Subject:** It's Time To Withdraw RE: PZSPU-2015-17

It is with regret that I withdraw my application (PZSPU-2015-17) and cancel the meeting scheduled for August 25th.

Unfortunately, I learned a few days ago that the state's Division of Archaeology is requiring that a Phase I archaeological survey be done on the property.

This is due to a 1982 survey (16SC43) done along that portion of the extant Grand Bayou that lies about a mile from my proposed excavation site along HWY 306.

This type of survey carries a rather large price tag and makes my small borrow pit (<5 Acres) economically unfeasible.

Our family has been involved in helping build the Bayou Gauche area since the mid-50's (Smith Green Acres) and I was looking forward to continuing in that tradition by helping with the levees.

I appreciate all the hard work by the P&Z staff as well as the positive recommendation to the Planning Board of Commissioners.

Although the uses for our property have been diminished I don't plan to abandon my quest for a viable alternative for the property and look forward to working with you in the future.

Regards,  
Cecil Sumners  
Sunset Ridge Development LLC

# St. Charles Parish Department of Planning & Zoning

# LAND USE REPORT

**CASE NUMBER: PZHO 2015-10**

## GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** Application Date: 8/5/2015  
Lisa Lanata d/b/a/ United Court Reporting, Inc.  
PO Box 1700  
Metairie, LA 70004

◆ **Location of Site:**  
227 Ellen Street, Ama, 70031

◆ **Applicant's description of business:**  
Court reporting transcription, bookkeeping, mail, and majority of transcriptions are done off site in Mississippi. No one will ever visit the house for business purposes. Depositions will never be done at the home only at attorney's or company's or doctor's offices.

## SITE – SPECIFIC INFORMATION

- ◆ **Existing Land Use and Zoning**  
Single-family residence in an R-1A zoning district
- ◆ **Surrounding Land Uses and Zoning:**  
The residence is surrounded by single-family detached houses in Seller's Village Subdivision, zoned R-1A.
- ◆ **Traffic Access and parking:**  
The property is developed with two driveways—one is approximately 8' wide and 20' long entering into a one car carport. The second is approximately 16' wide by 35' leading to a detached shed. The paved driveways could park as many as six passenger vehicles; however, the applicant indicates customers will never visit the residence.

APPLICABLE REGULATIONS	
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## Appendix A. Section XXII Regulations for Home Occupations.

**Purpose:** It is the intent of this section to regulate home occupations in residential uses. A home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the appearance or character thereof or adversely affect neighboring. The intent of these regulations is to preserve the character of the neighborhood, to limit activities that may adversely impact the area, such as increasing noise, traffic, dust, smoke, emissions, and electromagnetic interference; and to foster the growth of small businesses in the community.

- A. When in compliance with the requirements of this section, a home occupation shall be similar in type or character, but not limited to the following uses: Art studio, Child care for not more than six children, Contracting services, Cosmetology, Crafting, Dressmaking, Alterations, Tailoring, Internet based sales, Professional offices, Teaching or tutoring inclusive of arts.
- B. Permit Process:
  1. Pre-Application Meeting: The Planning Director, or his designated staff, shall advise applicants of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish Code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.
  2. Application: A citizen who proposes appropriate activities at a residence that is not in violation of the Code of Ordinances may apply for a permit for a home occupation. The applicant must agree to follow operational regulations listed in Section C. When an applicant

does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.

3. Departmental Review: The Planning Director, or his designated staff, shall determine whether the proposed use complies with the operational regulations of this section.
4. Public Notice and Comment:
  - a. Once the Planning Director has determined that the proposed use meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.
  - b. If objections to the proposed activity are submitted to the Planning Director, the application will be forwarded to the Planning Commission for public hearing and consideration.
5. Determination: The Planning Director, or his/her designee, shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to neighboring properties, requirements for state permits and licenses, and take one of the following actions:
  - a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state or federal permits or licenses.
  - b. Forward applications requiring state or federal permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and decision.
  - c. Deny the application.

C. Operational Regulations:

1. No dump truck, bus, construction vehicle, semi-truck, or vehicle of similar nature shall be permitted to park on the subject property as part of a home occupation. Any vehicle or trailer that will be used in the operation of a home occupation must be documented with photographs as part of the application process.
2. There shall be no signs posted which indicate the existence of the home occupation.
3. No non-resident employees or contractors associated with the home occupation will visit the home for business purposes—this includes, but is not limited to picking up work assignments, materials, or payment.
4. There shall be no outdoor storage of materials or products on the premises.
5. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
6. The home occupation shall not eliminate or impede required off-street parking.
7. The home occupation shall not cause any external effect such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential area, or in violation of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.
8. The resident or residents engaged in the home occupation shall possess all required licenses including a St. Charles Parish Occupational License”; Department of Health and Hospitals; and other state or federal permits or licenses.
9. No alcoholic beverages shall be sold, offered, or provided in connection with the operation of a home occupation.
10. Home occupation permits are not transferrable as to person or location.
11. Home occupation activities which include the manufacture, sale, or repair firearms (or any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit.

D. Revocation of Home Occupation Permit:

1. A home occupational permit may be revoked by the Planning Director upon violation of any requirement of this Code, or of any condition or requirement of any permit granted, unless such violation is corrected within five (5) days of notice of such violation.
2. Any such permit may be revoked after three (3) violations of any requirements of this section, or of the conditions of such permit, or where the Planning Director finds that the continuation of the home occupation permit will have a detrimental effect upon the surrounding subdivision or neighborhood.
3. The Planning Director may conduct a public hearing on the revocation of a home occupation permit.

E. Appeal: Any and all appeals to the decision of the Planning Director/Planning Commission shall be to the St. Charles Parish Board of Adjustments in accordance with the provisions of section XIII of this Code.

<b>FINDINGS</b>
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Ms. Lanata completed an application to change the domicile of United Court Reporters, Inc. from 3712 Bixler Street, Metairie (a house) to 227 Ellen Street, Ama, on August 4, 2015. The Secretary of State's corporation database indicates the business registered in 1991.

Upon review it was determined that certification is required by the Louisiana Board of Examiners of Certified Shorthand Reporters; because of this the request requires Planning Commission approval.

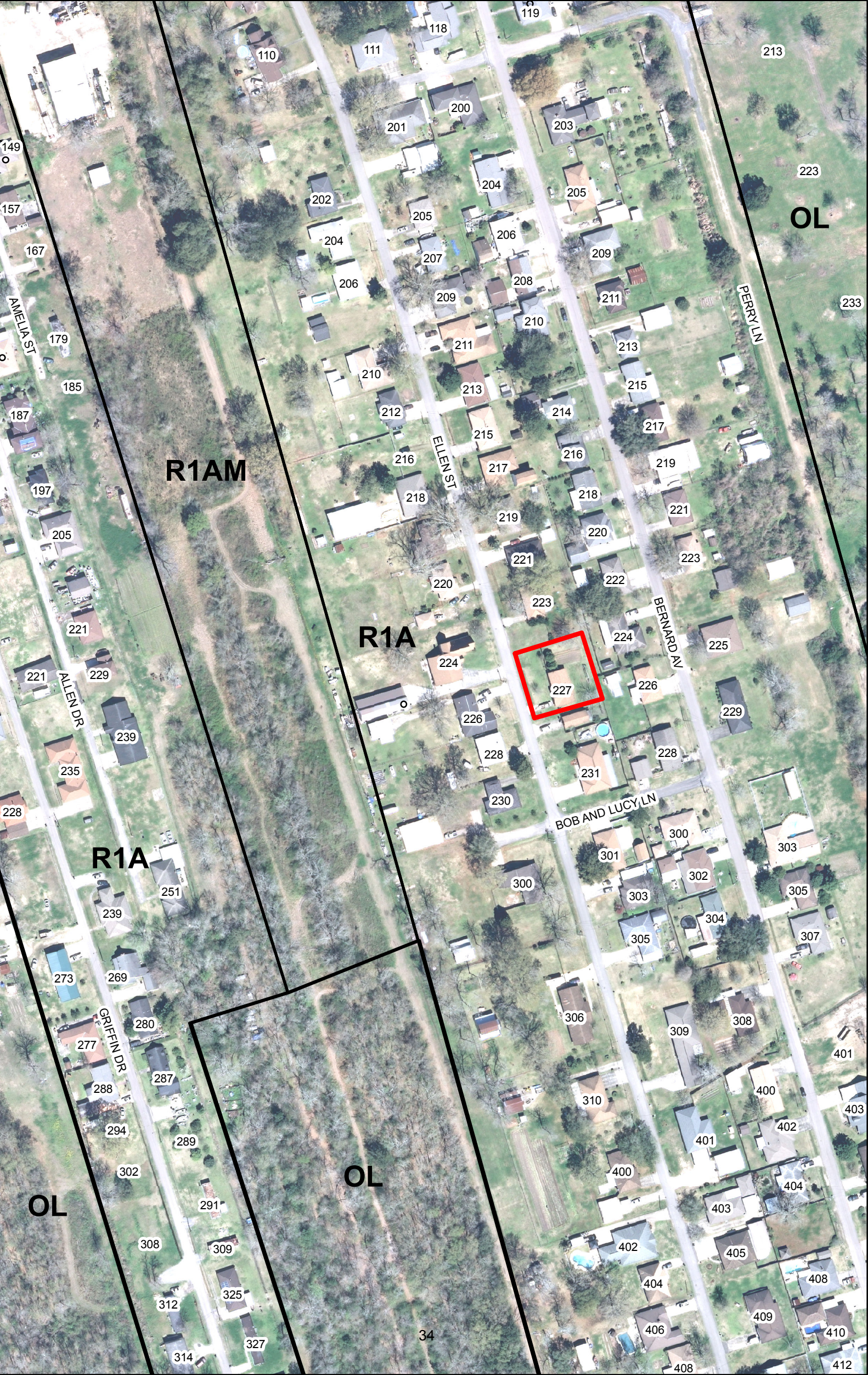
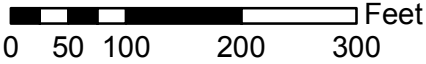
The applicant indicates that customers will not visit the residence; depositions are generally scheduled at attorney's offices or customer's offices—doctor's offices or other companies offices. The property owners have endorsed the application, and there are no complaints or violations against the property or the property owner.

<b>RECOMMENDATION</b>
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**Approval.**



PZHO 2015-10  
Requested by Lisa Lanata to operate United Court Reporters  
At a home at 227 Ellen Street, Ama.







**2030 Comprehensive Plan Recommendations:**  
**Low Density Residential**



**APPLICABLE REGULATIONS**

**Appendix A., Zoning Ordinance,**

**Section III.**

*Accessory dwelling unit:* A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

**Section VI.**

[I.] *R-1A. Single family residential detached conventional homes—Medium density.*

1. c. Special permit uses and structures included the following:

(8) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

**Section IV.**

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

1. Compliance with the current St. Charles Parish Comprehensive Plan.
2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.
3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
  - a. Required yards and open space
  - b. Ingress and egress to property
  - c. Parking and loading areas
  - d. Location of garbage facilities
  - e. Landscaping, buffering, and screening
  - f. Signage
  - g. Height and bulk of structures
  - h. Location and direction of site lighting

**Section VII. Supplemental Use and Performance Regulations.**

1. The following uses are subject to the regulations set forth herein:
- Accessory Buildings*
- Residential accessory buildings are allowed only in the side and rear yards.
- a. An accessory building may be connected to the principal building via an unenclosed breezeway not exceeding eight (8) feet in width.
  - b. Accessory buildings must be three (3) feet from the principal building, measured from any existing overhangs (not including breezeways).
  - c. The following shall not be permitted as accessory buildings in residential zones: storage containers, cargo containers, ship to shore containers or any form of a modified delivery type container which is normally mounted or transferred on a vehicle or is designed for or capable of being mounted on a chassis for movement.

*Accessory Dwelling Units*

- a. *Purpose* – to offer a wider range of housing options within residential zoning districts.
- b. *Design and Development Standards for all Accessory Dwelling Units (ADU).*
  - There shall be no more than one ADU permitted per lot.
  - No ADU will be permitted without a primary building.
  - An ADU may consist of part or all of a detached accessory structure or it may consist of a portion of the primary structure.
  - There shall not be more than one bedroom in an ADU.
  - An ADU shall use the electrical service of the primary structure.
  - The owner of the property on which the ADU is to be created shall occupy the primary dwelling unit.
  - Setbacks for ADUs developed as part of the principal structure are the same as the underlying zoning district.
  - Setbacks for ADUs developed as detached structures shall meet the setbacks for accessory structures for the underlying zoning district.
  - The floor area of the ADU is limited to fifty percent of the floor area of the primary dwelling unit, not to exceed 1,200 square feet.
  - ADUs require one off-street parking space in addition to the parking requirements of the underlying zoning district.

**ANALYSIS**

This applicant is requesting a special permit to build an accessory dwelling unit (ADU) to the side of the primary structure which is currently under construction. The site is located at the corner of River Road and Opal Lane in St. Rose and this is the first application for this new residential housing option since the Zoning Ordinance update approved earlier this year. The ADU is just shy of the maximum 1,200 square foot area and is also designed as per the regulations detailed in Supplemental Use and Performance Standards. The Planning Department generally recommends approval of a Special Permit when it meets a majority of the six evaluation criteria. ***This application meets at least five.***

The **first** consideration is met as the resulting residential land use will be consistent with the St. Charles Parish Comprehensive Plan for *low density residential*. The site is located in an existing residential neighborhood and the ADU is being designed to appear much like the primary structure. Its intended use is to be residential in nature, which consistent with abutting uses. This meets the **second** consideration.

The ADU is also being designed to serve as a garage connected to the primary structure with a covered mud room. In addition to the minimum 2 parking spots for residences, 1 parking spot is required for ADU's. The Zoning Ordinance requires parking spots to measure at least 9 x 19 feet. Thus, a total of 9 x 57 ft. would be required in order to meet all required parking. The submitted site plan indicates the driveway measuring approximately 25 x 110 feet. Therefore, the **third** consideration is met.

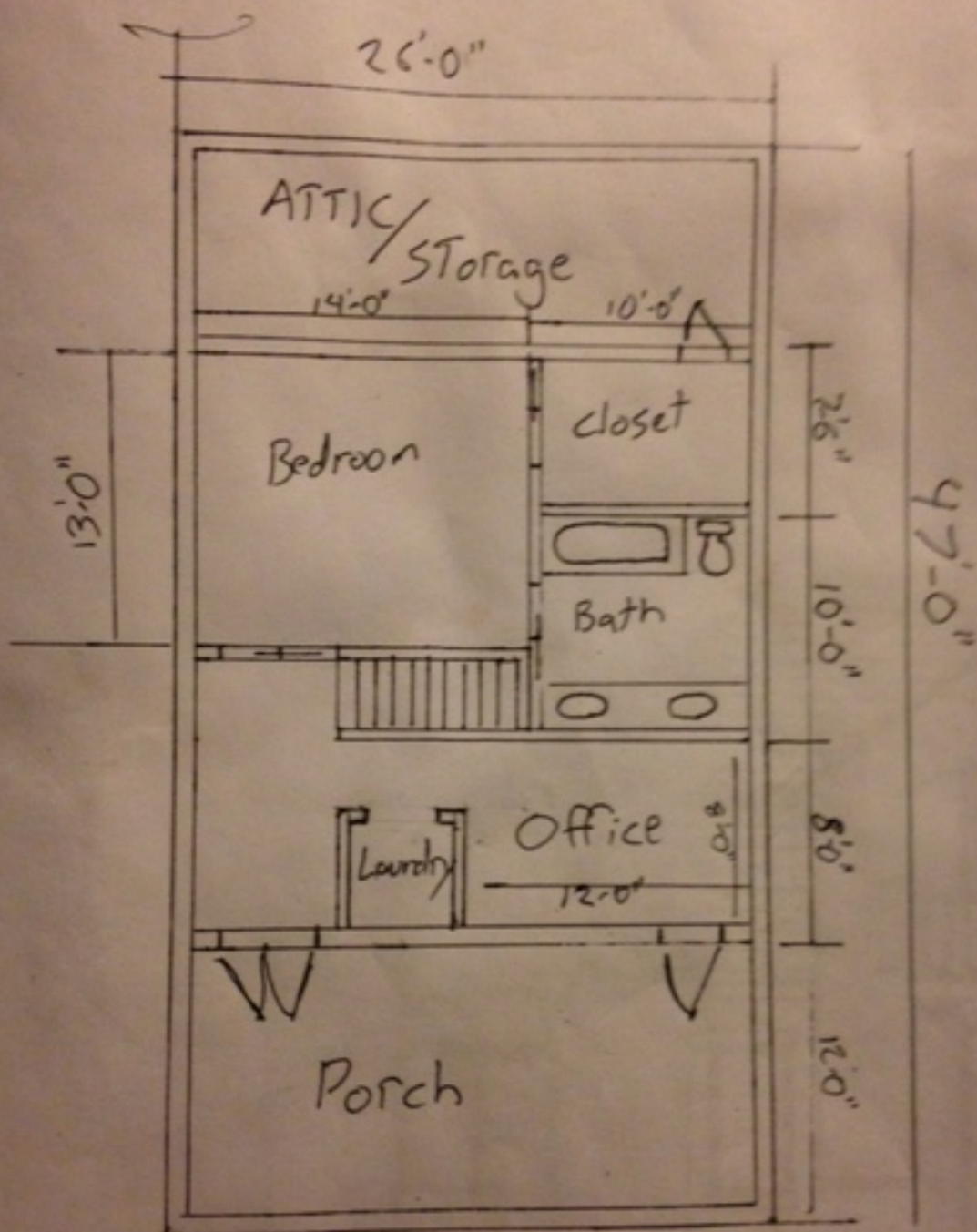
Through the Departments site plan review, the **fourth** consideration will be met because the Department does not approve site plans if adequate protections of persons and property from the stated impacts are not adequately addressed. The site plan that has been submitted as a required part of the application process confirms that the site meets all design criteria for required yards and open space, access to and from the property and the aforementioned parking area. This meets the **sixth** consideration.

The Zoning Ordinance states that electrical service to the ADU must extend from the primary structure.

**DEPARTMENTAL RECOMMENDATIONS**

**Approval with the following condition: that utilities are extended from the primary structure at 11202 River Road.**







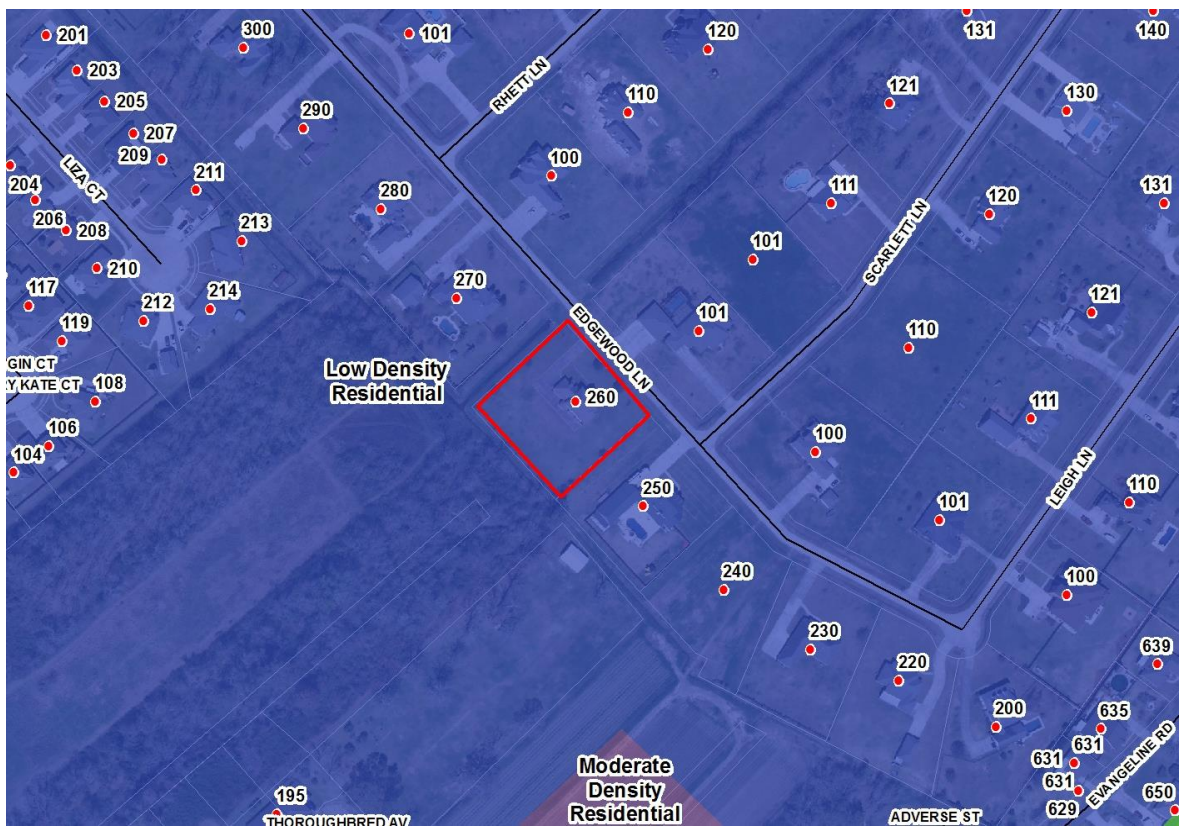
### For Accessory Dwelling Unit In R-1A







**2030 Comprehensive Plan Recommendations:**  
**Low Density Residential**



**APPLICABLE REGULATIONS**

**Appendix A., Zoning Ordinance,**  
**Section III.**

*Accessory dwelling unit:* A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

**Section VI.**

[I.] *R-1A. Single family residential detached conventional homes—Medium density.*

1. c. Special permit uses and structures included the following:

(8) Accessory Dwelling Units upon approval by the Planning Commission and supporting resolution of the Council.

**Section IV.**

A. *Evaluation Criteria* – those uses requiring approval for either a *Special Exception* or a *Special Permit Use* shall be evaluated by the criteria below. These criteria are to be considered illustrative and not restrictive. Other criteria may be considered though not specifically listed below if said criteria affect the general health, safety, and welfare of the public.

1. Compliance with the current St. Charles Parish Comprehensive Plan.
2. Compatibility with existing uses on abutting sites in terms of site development, building design, hours of operation, and transportation features related to safety and convenience of vehicular and pedestrian circulation.
3. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
4. Potentially unfavorable impacts on other existing uses on abutting sites to the extent such impacts exceed those impacts expected from a permitted use in the zoning district.
5. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
6. A site development plan shall be required as part of the application process. The following design criteria shall be evaluated on the plan:
  - a. Required yards and open space
  - b. Ingress and egress to property
  - c. Parking and loading areas
  - d. Location of garbage facilities
  - e. Landscaping, buffering, and screening
  - f. Signage
  - g. Height and bulk of structures
  - h. Location and direction of site lighting

**Section VII. Supplemental Use and Performance Regulations.**

1. The following uses are subject to the regulations set forth herein:

*Accessory Buildings*

Residential accessory buildings are allowed only in the side and rear yards.

- a. An accessory building may be connected to the principal building via an unenclosed breezeway not exceeding eight (8) feet in width.
- b. Accessory buildings must be three (3) feet from the principal building, measured from any existing overhangs (not including breezeways).
- c. The following shall not be permitted as accessory buildings in residential zones: storage containers, cargo containers, ship to shore containers or any form of a modified delivery type container which is normally mounted or transferred on a vehicle or is designed for or capable of being mounted on a chassis for movement.

*Accessory Dwelling Units*

- a. *Purpose* – to offer a wider range of housing options within residential zoning districts.

- b. *Design and Development Standards for all Accessory Dwelling Units (ADU).*

- There shall be no more than one ADU permitted per lot.
- No ADU will be permitted without a primary building.
- An ADU may consist of part or all of a detached accessory structure or it may consist of a portion of the primary structure.
- There shall not be more than one bedroom in an ADU.
- An ADU shall use the electrical service of the primary structure.
- The owner of the property on which the ADU is to be created shall occupy the primary dwelling unit.
- Setbacks for ADUs developed as part of the principal structure are the same as the underlying zoning district.
- Setbacks for ADUs developed as detached structures shall meet the setbacks for accessory structures for the underlying zoning district.
- The floor area of the ADU is limited to fifty percent of the floor area of the primary dwelling unit, not to exceed 1,200 square feet.
- ADUs require one off-street parking space in addition to the parking requirements of the underlying zoning district.

**ANALYSIS**

This applicant is requesting a special permit to build an accessory dwelling unit (ADU) to the rear of the existing home. The area for the ADU will be less than the maximum 1,200 square feet stipulated in the Zoning Ordinance. The site plan indicates total living area to be 845 square, less than the maximum allowable 1,000 square feet and will consist of a kitchen, bathroom, utility room, and pool room. It is also designed as per the regulations detailed in Supplemental Use and Performance Standards. The Planning Department generally recommends approval of a Special Permit when it meets a majority of the six evaluation criteria.

***This application meets at least five.***

The **first** consideration is met as the resulting residential land use will be consistent with the St. Charles Parish Comprehensive Plan for *low density residential*. The site is located in an existing residential neighborhood and the ADU is being designed to appear much like the primary structure. Its intended use is to be residential in nature, which consistent with abutting uses. This meets the **second** consideration.

In addition to the minimum 2 parking spots for residences, 1 parking spot is required for ADU's. With each parking spot required to measure at least 9 x 19 ft, a total of 9 x 57 ft. would be required in order to meet all required parking. The existing driveway measures approximately 18 x 100 ft. This meets the **third** consideration.

Through the Departments site plan review, the **fourth** consideration will be met because the Department does not approve site plans if adequate protections of persons and property from the stated impacts are not adequately addressed. The site plan that has been submitted as a required part of the application process confirms that the site meets all design criteria for required yards and open space, access to and from the property and the aforementioned parking area. This meets the **sixth** consideration.

A waiver is also being requested to the requirement that the ADU shall use the electrical service to the primary structure. The applicants state that this is because extending electrical from the existing meter for the home requires tearing up concrete from the driveway and a longer distance to connect the ADU meter.



<b>DEPARTMENTAL RECOMMENDATIONS</b>
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**Approval of the Special Permit Use with the condition that water and sewer installations are extended from the primary structure.**

**Approval of the Waiver Request due to design difficulties as mentioned by the applicant.**







St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT: PZR-2015-19

GENERAL APPLICATION INFORMATION

- ◆ Name/Address of Applicant:

David Folse  
3725 West Grandlake Avenue  
Kenner, LA 70065  
Cell: 504.274.6725; email: davidfolse70006@yahoo.com

Application Date: 8/6/15
- ◆ Location of Site:

Lots 7, 8, 9, 10, & 11 Block 6 of Mosella Townsite; 14199 Highway 90 and 101 Ruth Street, Boutte.
- ◆ Requested Action:

Rezone from C-3 to M-1
- ◆ Applicant's stated intent:

To permit Surecatch Industries, a licensed arborist, to manufacture & sell firewood and oil absorbent materials.

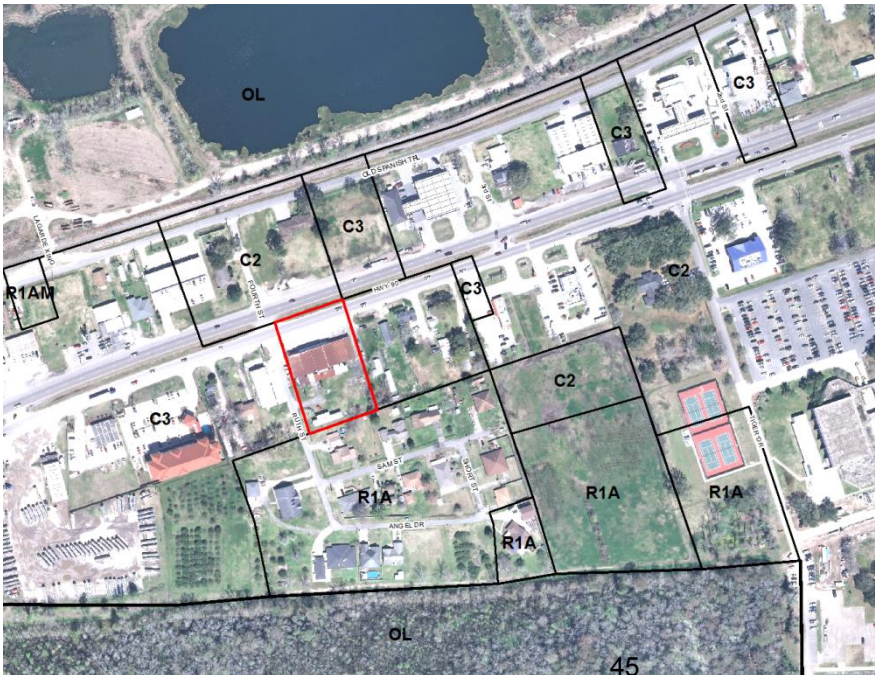
SITE-SPECIFIC INFORMATION

- ◆ Size of Parcel:

The lots were platted to be 46,800 square feet; however, it appears that nearly 6,800 square feet was sold to La DOTD in 1962 leaving approximately 40,000 square feet.
- ◆ Existing Land Use and Zoning:

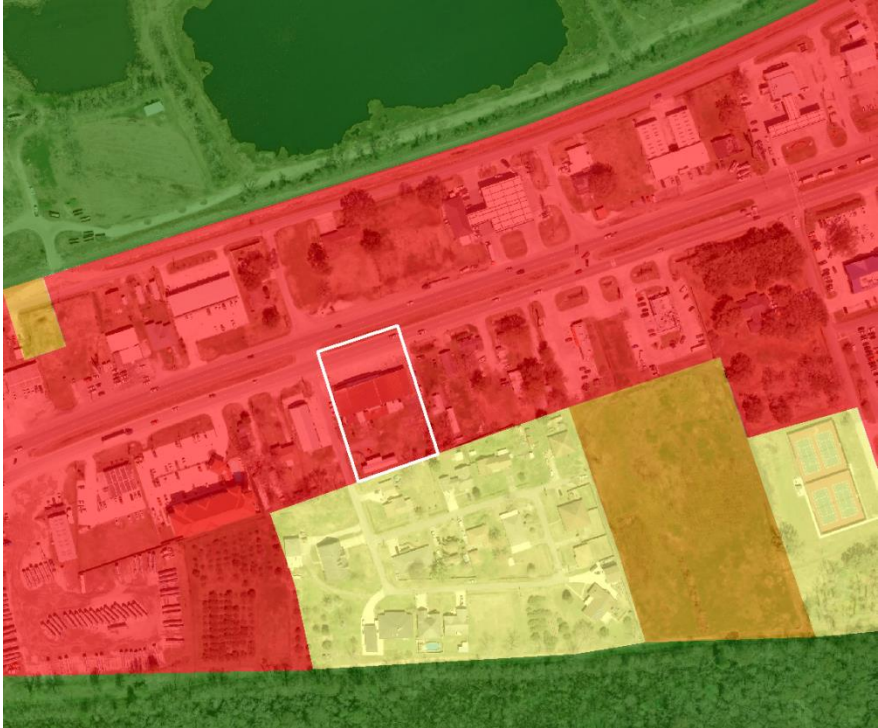
All five of the lots are zoned C-3. Lots 7 & 8 are developed with a commercial building that has been vacant for a decade. Lots 9 & 10 are developed with the property owner's residential mobile home. Lot 11 was developed with a mobile home at one time, but currently has no structures.
- ◆ Surrounding Land Uses and Zoning:

Single-family residences abut across Hwy 90, or to the north (C-2 zoning), and east (C-3 zoning) and south (R-1A zoning). Abutting to the west is a church (C-3 zoning). The site is in Moselle Town site. Platted in 1938, the subdivision is a mix of residential and commercial uses on a major interstate highway. The community is bounded on the north by Old Spanish Trail and the Burlington Northern Santa Fe railroad; to the south by wetlands. A subdivision of 15 single-family residences zoned R-1A (Angel Park) abuts the subject site immediately to the south. Properties with highway frontage are zoned C3 to the west, C2 to the east and are developed with general commercial uses (restaurants, convenience gas stations, professional offices, a hotel, a dental clinic, a truck terminal, Hahnville High School) and scattered housing.



◆ **Future Land Use Recommendations:**

The Future Land Use Map (FLUM) recommends general commercial for the property.



◆ **Utilities:**

Standard power, water, and telecommunication utilities are available along Highway 90; drainage and sewer are available but improvements will have to be made at the developer's expense.

◆ **Traffic Access:**

The site has 180' of frontage on US Hwy 90 and at least 90' of frontage on Ruth Street. It is likely that the building encroaches on the required building setbacks and that area considered parking is on the US 90 and Ruth Street rights of way.

**APPLICABLE REGULATIONS**

**Appendix A., Zoning Ordinance, Section XV Amendment Procedure:**

- D. Rezoning Guidelines and Criteria: Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:
1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.
  2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant’s property. One or more of following examples may be used in evaluating reasonableness:
    - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
    - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
    - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.
  3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.
- The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations.

**AND**

*Manufacturing and industry districts*—The regulations in these districts are as follows.

[I.] *M-1 Light manufacturing and industry district:*

1. Use Regulations: A building or land may be used for the following purposes if in accordance with the special provisions outlined below.
  - a. A building or land shall be used only for the following purposes:
    - (1) Those uses identified as items 2 through 27~~46~~ listed in the C-3 District.



- (2) Office parks which shall include groups or clusters of administrative, professional, and other business offices as well as individual banks and restaurants.
- (3) Agriculture and other general farming uses.
- (4) Warehousing and storage of nonhazardous material.
- (5) Assembly plants.
- (6) Bottled gas sales and/or service.
- (7) Food processing plants.
- (8) Cellophane products manufacturing.
- (9) Cold storage or refrigerating plants.
- (10) Electrical parts manufacturing and assembly.
- (11) Fiber products manufacturing (previously prepared fiber).
- (12) Garment manufacturing.
- (13) Glass products manufacturing.
- (14) Ironwork (no foundry, drop hammer, and no punch presses over twenty (20) tons capacity).
- (15) [Repealed by Ord. No. 92-1-1, § I, 1-21-92.]
- (16) Leather products manufacturing (previously prepared leather).
- (17) Machinery equipment sales and service.
- (18) Millwork.
- (19) Paint mixing and treatment (not employing a boiling process).
- (20) Paper products manufacturing (previously prepared material).
- (21) Plastic products manufacturing (previously prepared material).
- (22) Sheet metal products manufacturing (light).
- (23) Sign manufacture.
- (24) Open storage of building material, lumber, machinery and pipe, provided the material is enclosed within a solid fence at least six feet high within required building lines when the storage area is adjacent to or across the street from an A, R, or C District.
- (25) Railroad freight terminals, switching and classification yards, repair shops, roundhouse, power houses and fueling, sanding and watering stations.
- (26) Television and radio broadcasting transmitters.
- (27) Textile products manufacturing.
- (28) Toy manufacturing.
- (29) Well drilling services.
- (30) Wood products manufacturing (assembling work and finishing).  
(Ord. No. 87-6-13, 6-15-87; Ord. No. 88-11-20, 11-28-88)

b. Special exception uses and structures (variation):

- (1) Temporary construction facilities for a period of one (1) year upon approval of the Planning Director. (Ord. No. 88-9-9, 9-6-88)

c. Special permit uses and structures include the following:

- (1) Office buildings for gambling operations, excluding all gaming activities, upon review and approval by the Planning Commission and supporting resolution of the Council.
- (2) Operations which store or utilize hazardous materials identified through guidelines contained in subsection VI.D.I.4.b. of these regulations upon review and approval of the Planning Commission and supporting resolution of the Council. (Ord. No. 96-5-17, § II, 5-20-96)
- (3) Cellular installations and PCS (personal communication service) installations.
- (4) Truck terminals (with video poker gaming facilities) upon review and approval of the Planning Commission, and supporting resolution of the Council (Ord. No. 98-4-17, § IV, 4-20-98). Truck terminals with video poker gaming facilities shall conform to the regulations set forth by the state of Louisiana and to the following regulations:
  - (1) Frontage shall be on a median-divided, major arterial with a minimum of 4-roadway lanes, and having federal or state designation.
  - (2) Minimum lot size of site shall be ten (10) acres.
  - (3) Truck terminals with video poker gaming facilities shall also have all of the following amenities: [restrictions omitted].
  - (5) *Towing yard*. Towing yards, upon review and approval by the Planning Commission and supporting resolution of the Council, shall conform to the following regulations:
  - (6) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street. (Ord. No. 03-1-12, § V, 1-21-03)
  - (7) Barrooms, night clubs, lounges and dancehalls upon review and approval by the Planning Commission and supporting resolution of the Council.
  - (8) Automotive racing tracks and strips upon receiving a recommendation of the Planning and Zoning Commission and an ordinance granting approval by the Parish Council.

- (9) Disposal and/or deposition of directional boring slurry upon receiving a recommendation by the planning and zoning commission and an ordinance granting approval by the parish council. The requirement for a special permit shall not apply to directional boring associated with oil and gas production, nor shall it apply to the incidental or accidental deposition at the site of the boring.

2. Spatial Requirements:

- a. Minimum lot size: Ten thousand (10,000) square feet.  
Minimum width: One hundred (100) feet. (Ord. No. 99-2-4, § I, 2-1-99)
- b. Minimum yard sizes:
- (1) Front - twenty-five (25) feet
  - (2) Side - fifteen (15) feet
  - (3) Rear - twenty-five (25) feet.
  - (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999. (Ord. No. 08-8-9, § XIII, 8-18-08)

3. Transportation System: Arterial, rail, water.

4. Special Provisions:

- a. No manufacturing operations within the M-1 zoning district shall emit odors, gas or fumes beyond the lot line or produce a glare beyond the lot line. All facilities shall be dust-proofed including walkways, driveways and parking areas. All operations must be conducted within a building or within an area enclosed on all sides by a solid fence or wall no less than six (6) feet in height. (Ord. No. 89-2-13, 2-20-89; Ord. No. 05-5-2, 5-2-05)
- b. Where any industrial or commercial use in an M-1 zoning district abuts any residential district or use, a six-foot high solid wood or vinyl fence or masonry wall shall border the same and there shall be a buffer strip fifteen (15) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones unless the Planning and Zoning Department shall require a greater buffer strip. (Ord. No. 05-5-2, 5-2-05)
- c. The use(s) shall not receive, process, or create hazardous materials which are listed on the latest National Toxicology Programs Annual Report on Carcinogens, SARA Title III section 302 (EHS), and/or SARA Title III Section 313 (toxicity) without a special permit as identified in section VI.D.[I].1.c of this ordinance. Whenever a proposed development or expansion involves chemical processing or storage on a site in an M-1 zoning district and the uses do not require a special permit as identified in section VI.D.[I].1.c of this ordinance, certification shall be furnished by a chemical engineer, registered in the State of Louisiana and approved by the Parish of St. Charles, that materials associated with the enterprise do not appear on cited hazardous material lists. Those chemicals or materials which are permitted under this regulation either by special permit or certification of compliance, shall be stored in accordance with the National Fire Protection Association Flammable and Combustible Liquids Code (NFPA 30 1990), or amended version. With regard to placement of allowable materials on site, the minimum distance in feet from property line which is or can be built upon, including the opposite side of a public roadway, shall be two times the minimum distances required by NFPA 30. In the event the distances required by this paragraph exceed the minimum distances required by NFPA 30, then the requirements of this paragraph shall govern.

## ANALYSIS

The applicant requests rezoning the property from C-3 to M-1 to permit Surecatch Industries, a licensed arborist that wishes to process trees to firewood for retail sale. The business is currently domiciled in Kenner. Surecatch representatives are in the process of applying for an occupancy permit for a second aspect of the business, warehousing and sales of oil absorbent materials for cleaning up spills. It was determined that the warehousing, wholesaling, and retail activities can be permitted in the C-3 land use zone when the site plan and any building renovations are complete. If the property is rezoned to M-1 Surecatch will be able to offer additional arborist services and environmental services. The resident property owner has endorsed the rezone request.

The zoning ordinance was recently amended by the Parish Council to modernize the evaluation process for a rezone request so that it reflects the work completed in the Comprehensive Land Use Plan (ordinance 15-7-5 adopted July 6, 2015). The new review criteria state that before the Commission makes a recommendation on a rezone request, there should be reasonable factual proof that one or more of three guidelines or criteria are met.

The first guideline asks whether the rezone will comply with the Future Land Use Map of the Comprehensive Land Use Plan or if it will create a spot zone. The Future Land Use Map indicates this

property and the Hwy 90 corridor through Mosella as General Commercial. The Plan offers the following description of General Commercial:

The General Commercial category includes sites for commercial uses that provide a mix of business and that serve the community as a whole. These uses provide for comparison shopping and services which are ordinarily obtained on an occasional rather than daily basis. In general, this designation applied to most commercial uses that are permitted in the C-2 (General Commercial-Retail) and all of the uses permitted in the C-3 (Highway Commercial) zoning districts (p65).

The plan encourages the development of Employment Centers with light industrial land uses which are described as follows:

This designation (Light Industrial) includes such uses as warehouse and distribution activities, as well as office uses, repair facilities, light assemble and light manufacturing activities that do not involve emission of odors, dust, fumes, or excessive noise, consistent with the uses in the M-1 Light Manufacturing and Industrial zoning district (p. 64).

The zoning code modernization also defines a spot zone as follows:

Rezoning a lot or parcel of land which gives to a single lot or a small area privileges not extended to other land in the vicinity and which is not done in furtherance of the comprehensive plan or to serve the best interest of the community.

The request does not comply with the Future Land Use Map, and a rezone of the property to the M-1 would be a spot zone (of light industrial in a commercial area).

The second guideline asks whether the land-use pattern or character has changed to the extent that C-3 zoning no longer allows reasonable use of the property. The department finds that C-3 allows reasonable use of the property. Not only has there been investment and development in the C3 zoning district in the immediate area in recent years, but the applicant is currently in the process of permitting warehousing, wholesaling, and retailing on the subject property. While Mosella Town site appears to be transitioning from residential to highway commercial, recent investment and development in the area for hotel and personal services uses suggest that the C-3 zoning offers reasonable use of the subject property. Considering the remaining residential uses of Mosella Town Site abutting the subject property along the highway corridor and also those residential uses in Angel Park Subdivision abutting to the south, a rezone to M-1 may be premature. The vacant building on the site may be vacant because it has not been upgraded to accommodate modern C-3 uses—this is a property maintenance issue rather than a decline in land value, or a change in the physical environment of the area or economic disinvestment in the area—there has been investment in C-3 uses in the area in recent years.

The third guideline asks whether potential uses permitted by the proposed rezoning will be incompatible with existing neighborhood character or will overburden public facilities and infrastructure. Not only do M-1 uses have the potential to adversely impact adjacent residences on the east and south sides of the property, but the site, as developed, may not have adequate land to install the required fencing or landscape buffering from existing adjacent residential uses on the east—there may be adequate space along the southern property line. The applicant does not have a current survey of the property, but the building does not appear to meet M-1 required yards/building setbacks from either US 90 or Ruth Street. If the property is zoned M-1 and the developer wishes to use the existing building, it is likely that variances will be required to develop and use the site for M-1 uses.

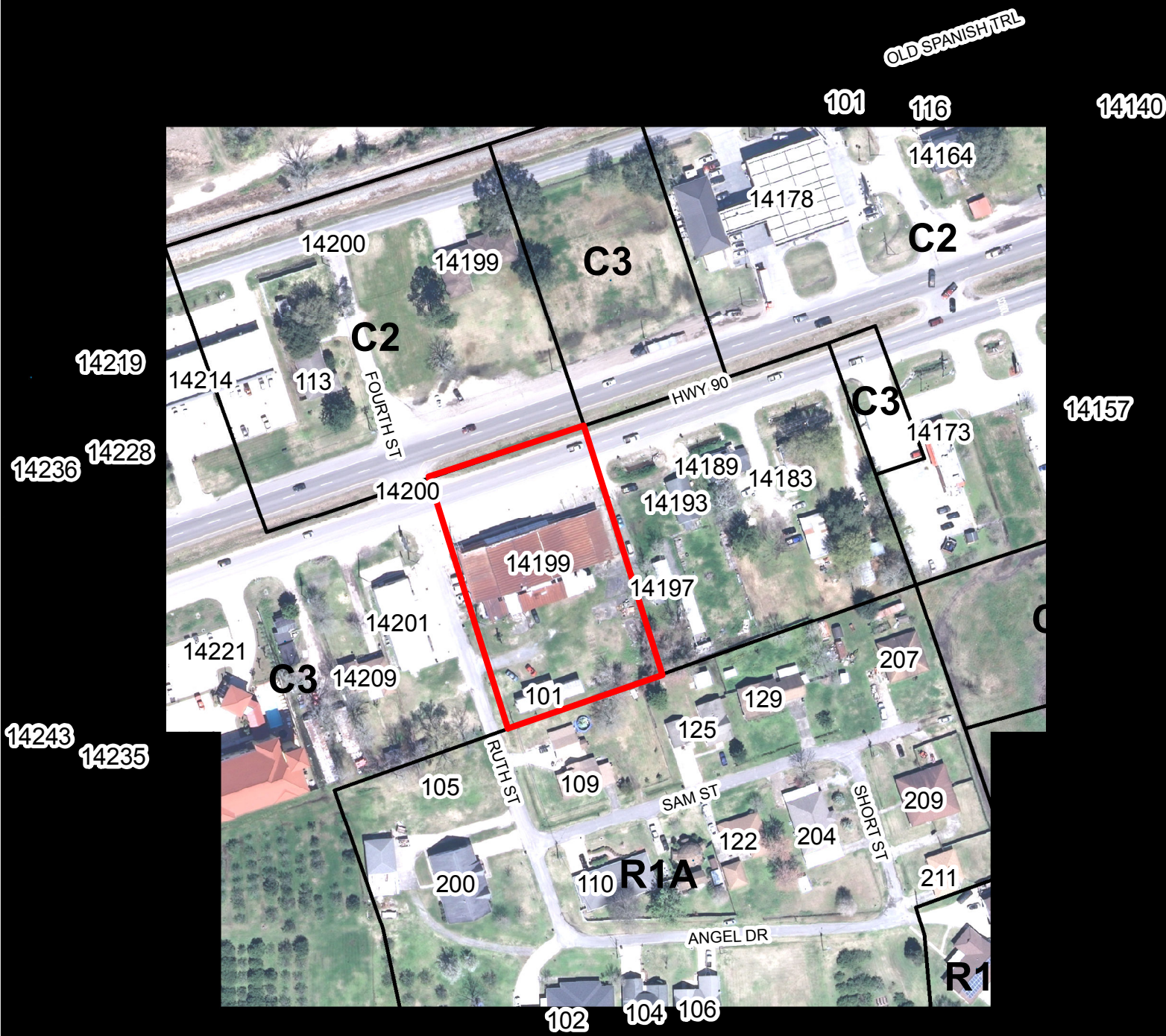
The department finds that the requested rezone to M-1 would create a spot zone that is incompatible with the Future Land Use Map and may be detrimental to the surrounding neighborhood.

**DEPARTMENTAL RECOMMENDATION**

**Denial.**



PZR 2015-19  
Requested by David Folse  
For a change in land use zone from C-3 to M-1



## St. Charles Parish Department of Planning & Zoning

# SUBDIVISION ORDINANCE AMENDMENT REPORT

**CASE NUMBER: PZO 2015-04**

**Introduced by Paul Hogan, PE, Councilman, District IV**

To amend the Zoning Ordinance to allow cemeteries of one (1) acre or greater as a special permit use in the M-1 land use zoning district with a supporting resolution of the Parish Council

### Planning and Zoning context:

The zoning district:

- The zoning map shows 58 M1 zoning districts of various sizes totaling approximately 5,678 acres.
- Sixteen of the districts, approximately 4,747 acres, were created with the comprehensive zoning of 1981. Approximately half of this acreage appears to have no land use. The largest of these 16 original M1 zoning districts surrounds the I-310 corridor, but is comprised of wetlands. Another large original M1 zoning district with sparse development exists in Des Allemands between Hwy 635 and J. B. Green Road; a third is near the Ama Airport. These are the lands likely to be affected by the ordinance change.
- The other 42 M1 zoning districts were created by the Parish Council at the request of individual property owners or developers. The majority of the acreage that was rezoned to M-1 is developed with light industrial uses.
- The amendment does not affect much land that currently is zoned M1.

The specific use: Generally, once land is dedicated for cemetery use, it is unlikely to accommodate another use.

- Louisiana Law requires dedication of land for a cemetery. If a local ordinance requires one acre minimum for a cemetery, in order to comply with both local and state law, a cemetery in M1 will have to dedicate the entire acre. The process for revoking a dedication of any portion of the original dedication is long (Louisiana Revised Statutes, Title 8, Chapter 5 section 306).
- Louisiana Law requires survivors consent to move remains; if survivors cannot be found, a judgment must be rendered to allow the removal and relocation of remains (LRS Title 8 Chapter 10a section 659).
- One cemetery currently is zoned M1—shown below. Currently, this cemetery is legally non-conforming as to zoning. If the change is adopted, the owners could request a Special Permit use in order to expand or improve the site, to add a parking lot or mausoleum, for example.



**Potential outcomes:**

1. The proposed ordinance change would not affect much developable acreage.
2. The one acre minimum appears arbitrary. It should be removed.



**2015-**  
**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV**  
**ORDINANCE NO.** \_\_\_\_\_

An ordinance of the Parish of St. Charles, providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Appendix A, the St. Charles Parish Zoning Ordinance of 1981, Section VI. Zoning district criteria and regulations., D., [I]. 1. c. Special Permit Uses in the M-1 Zoning District, by adding (10) to allow cemeteries as a Special Permit Use and shall require a supporting resolution of the Council.

**WHEREAS,** the St. Charles Parish Council wishes to add cemeteries as a Special Permit Use in the M-1 Zoning District.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That the St. Charles Parish Code of Ordinances, Appendix A, the St. Charles Parish Zoning Ordinance of 1981, Section VI. Zoning district criteria and regulations., D., [I]. 1. c. Special Permit Uses in the M-1 Zoning District, is hereby amended by adding the following:

**Section VI. Zoning district criteria and regulations**

**D. [I]. 1. c. Special permit uses and structures include the following:**

- (10) Cemeteries with a minimum size of one (1) acre upon receiving a recommendation by the Planning and Zoning Commission and a supporting resolution of the Council.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015, to become effective five (5) days after publication in the Official Journal.

2015- Amend Code - Appendix A Sect VI M-1 Special Permit Use cemeteries (8-2-15-PH) (L )

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_